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CIVIL RIGHTS

FALL 2000

JOURNAL

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The New Face of Slavery

According to the CIA, 50,000
people are trafficked into the U.S.
each year. Some could be living
next door to you.

U.S. COMMISSION ON CIVIL RIGHTS

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- Study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin; or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin;
- Submit reports, findings, and recommendations to the President and Congress;
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CIVIL RIGHTS

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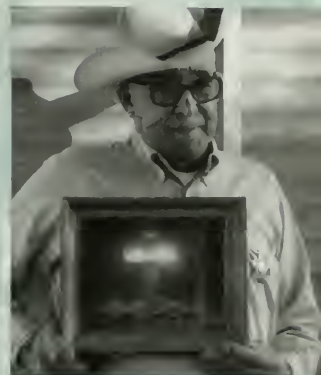
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Three Questions

ABOLITIONISM IS A QUIANT WORD, a 19th century word, a word that conjures up woodcuts of frocked men with muttonchops and bluestockings in whale-bone corsets; we can imagine them now, over-earnest types milling about the podium, the speaker in a teapot pose, one hand stabbing the air, the other palming a bible. It all seems so effortful, so Sunday-schoolish. Even the Civil War, which ought to invoke a hushed respect (as many Americans died in one day of fighting at Antietam as died in 14 years in Vietnam), seems antiquated, a toy-soldier version of itself.

Only it wasn't, of course. And the men and women depicted in those textbook illustrations were every bit as ambiguous, troubled, and complex as ourselves. In truth, they may have one up on us: They, at least, could claim a strenuous moral engagement in their time, whereas we often seem to float above any serious political work, preferring the sham of symbolic recognition over the substance of change. What passes for progressive political action today far too often benefits those who are already politically mobilized over those who are not.

Case in point: It took a CIA report to bring some public attention to the massive number of women and children being brought into this country every year to work on terms of indentured servitude and slavery. A leaked copy of the report led to a story on the back pages of the *New York Times* which led to . . . absolutely nothing. No Congressional hearings, no demonstrations, no coalition of outraged constituency groups demanding that our government do more to end this scourge. To be an abolitionist today risks sounding like a flat-earthier: a champion of the eccentrically anachronistic.

Except that there are slaves today in America. This bears repeating: There are slaves today in America. According to the CIA report, 50,000 new slaves arrive on our shores each year. They work in our fields; they work in our clothing factories; they work in brothels and on street corners. But who now is saying, as Frederick Douglass said to his enslaved brethren, "What you suffer, we suffer; what you endure, we endure?"

In a recent episode of the FOX TV show *The Simpsons*, the townspeople mobilize to protest the lack of police protection after a bear attacks Homer in his front yard; when the mayor protests that this is clearly a freak accident, a woman in the crowd cries out: "Think of the children!" Later, the same crowd, angered about the high taxes they are paying for increased protection, again confronts the mayor. Again, the woman protests, "Think of the children!"

It's hard to think of a political cause that slogan can't apply to. Still, not all applications are equally valid. And one group of children who aren't being much thought about are the million and a half sons and daughters of the country's inmates. In his article on the disproportionate incarceration of minorities, *National Journal* writer Carl Cannon points out the short-sightedness of this approach. The children who most need extra resources and attention aren't getting them. Twenty years from now, when these policies have produced another generation of inmates, there will no doubt be plenty of folks nodding sagely about how the acorn never falls far from the tree.

A scholar at the RAND Institute (hardly a liberal redoubt) recently argued that drug treatment programs would reduce serious crimes (against both property and persons) the most per million dollars spent—on the order of fifteen times as much as have current mandatory incarceration policies. Neo-conservatives gained political traction in the 1970s and 1980s arguing that traditional liberal solutions failed those they were designed to help. With America's prison population projected to pass the two million mark in the next year or so, surely there are some neo-liberals out there to argue that our current law-and-order policies simply aren't proving cost-effective?

A recent paper published by the National Bureau of Economic Research demonstrates the complexities of current race matters. It finds that juries, on average, sentence drunk drivers to seven years in jail for killing a white woman, four years for killing a white man, and two years for killing a black man. This is true regardless of what race the drunk driver is; no word regarding the composition of the jury.

Assume that the finding holds and that the relevant issues have been controlled for—NBER has a pretty solid reputation. It's easy to take any one part of this finding and arrive at a predictable conclusion. It's hard to know what to make of it all. Does society value women twice as much as men? Whites twice as much as blacks? Why do the disparities depend on the race of the victim but not of the perpetrator? The social psychologists of an earlier age, like Theodore Adorno and Gordon Allport, gave us a theory of prejudice based on the operations of the authoritarian personality—plausible enough, in the age of Bull Connor and in the shadow of Nazism. But we need a new, more nuanced and non-judgmental understanding of prejudice. Clarify the subtle ways prejudice operates today, and you'll accomplish far more than all the blustery denials and moral bullying that characterize so much of our current discussion. (That's a question.) ◻



GUARDING AMERICA'S FIRST RIGHT:

FREE FROM BOND

"YOU CAN CALL ME DAWN," the voice at the other end of the line said. "I am contacting you because there is a woman enslaved in the apartment across the hall from my mother."

Not your everyday phone call, even at the American Anti-Slavery Group. Founded in 1993 to monitor contemporary slavery worldwide, the organization I work for focuses primarily on chattel slavery in North Africa. We publicize the plight of enslaved African women and children, bought and sold like cattle in countries such as Sudan and Mauritania. Advocates for silenced victims in distant countries, we work to make their cases immediate to the international community.

But suddenly slavery itself was immediate. Dawn's mother lived just minutes from our offices in Boston. Dawn explained that a couple from Saudi Arabia with a young son moved in across the hall from her mother. A Thai woman who speaks no English lived with them. "When the couple leave for work, she runs across the hall to my mother's, crying. We can't understand her, but she appears to be the boy's nanny—and she shows signs of physical abuse."

Dawn had gotten our number from Amnesty International (Amnesty, which does not include slavery in its mandate, forwards questions on slavery to us). Her mother feared being part of any official investigation, and refused to contact the police. Dawn was also concerned and would only provide the Saudis' address. "I am afraid to get any more involved. I just want to make sure that this woman gets help."

What to do? Never having handled such a case before, we decided to try to talk to the woman herself. A translator from one of the local language schools kindly volunteered to help, but could not accompany us to the apartment building. She would stand by to talk to the woman via cell phone.

One hour before our noontime visit to the apartment building, Dawn called to report that the woman had fled to the building's parking attendant, begging for help. The police were now investigating, but meanwhile the woman had been returned to the apartment.



EDOM AGE

The civil rights community must respond to the disturbing rise in cases of involuntary servitude in the United States.

by Jesse Sage

Later, I spoke with the police detective assigned to the case, who expressed concern but explained little could be done. The woman's "owner" had legal immigration papers for her, as well as a letter from her husband consenting to his wife's work.

"The woman's account of forced servitude is really shocking, but we have no legal basis for pressing charges," lamented the detective. "She has nowhere to go, so she went back."

New Economy, New Slavery

In 1866, just as the U.S. was completing passage of constitutional measures against slavery, Frederick Douglass presciently noted the tenacity of the nation's peculiar institution. "Slavery, like all other great systems of wrong, founded in the depths of human selfishness, and existing for ages, has not neglected its own conservation," Douglass observed. "Today, it is so strong that it could exist, not only without law, but even against law."

Yet even Douglass could never have foreseen just how strong slavery would grow. Today, in the year 2000, when slavery is deemed illegal in every country and in numerous international treaties, more people live in bondage worldwide than ever before. And, as new studies indicate, tens of thousands of these victims are enslaved on our shores, in our cities, even in our own backyards.

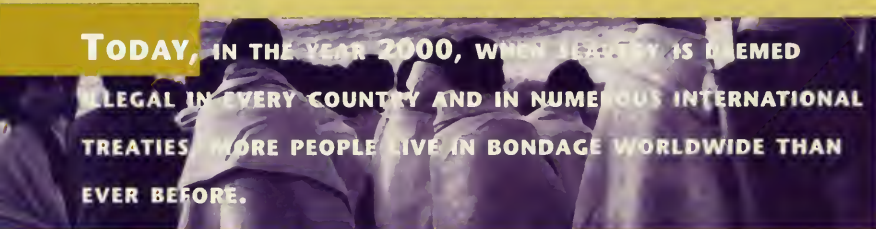
Using a simple but strict definition of slavery—forced labor for no pay under the threat of violence—sociologist Dr. Kevin Bales estimates that 27 million people live as slaves worldwide. In his groundbreaking new book *Disposable People: New Slavery in the Global Economy*, Bales advances the thesis that much of contemporary slavery has become a quasi-industrialized institution: a brutal but efficient and profitable process of entrapment, exploitation, and abandonment. Slaves are lured or abducted from their homes, psychologically and physically intimidated, forced to work in de-humanizing conditions, and then discarded when they are too ill to work.

Chinese refugees from a ship that grounded off the Rockaway Peninsula in Queens, 1993.

PHOTO: Paul J. Demania/NT

Bales contrasts this "new slavery" with the paradigm of chattel slavery so familiar from American history. Slaves in the 1850s were a valuable commodity, worth on average \$60,000 in today's terms. Masters therefore tended to sustain slaves during infancy and old age, despite making relatively small profit margins off slave labor (roughly 5% annually).

Given today's massive population boom—in regions of staggering poverty—modern masters instead enjoy a surfeit of potential slave labor and enormous potential profits. With slaves traded for as little as \$30, masters employ slaves only when they are profitable, then discard them. In an age of record salaries and a booming economy, some human lives have never been less valuable.



**TODAY, IN THE YEAR 2000, WHEN SLAVERY IS DEEMED
ILLEGAL IN EVERY COUNTRY AND IN NUMEROUS INTERNATIONAL
TREATIES, MORE PEOPLE LIVE IN BONDAGE WORLDWIDE THAN
EVER BEFORE.**

Slave labor touches us in many ways. Charcoal from forced laborers in the Brazilian rainforest makes the steel in our cars. Oriental rugs found in our homes are woven by Pakistani child slaves. Sweet "beedi" cigarettes rolled by slave children in India are smoked by thousands of American teens every day.

And according to a November report by the CIA, 50,000 people were trafficked into the U.S. in the last year. "Trafficking to the U.S. is likely to increase," the report noted. "INS and Labor Department officials fear that the problem is not only bigger than they thought but also getting worse." The apartment across from Dawn's mother was no isolated case.

Land of the Free

In retrospect, the news is hardly shocking. Evidence of slavery in America has been steadily mounting. In 1978, for instance, FBI agents in Miami discovered Rose Iftony, a young girl from Sierra Leone, held as a domestic slave and kept inside the house of a Pakistani couple. One agent referred to Rose's bondage as "the first classic case of slavery [in the U.S.] this century that the FBI knows of."

In 1992, a slavery case in another Boston suburb made national news. A young Sri Lankan woman, Vasantha Gedara, was rescued by police from the home of a Kuwaiti couple in Quincy, Mass. Like thousands of other Asian women, Gedara had sought employment as a domestic worker in Kuwait. She agreed to travel to the U.S. with the son of her employer for \$250 per month plus room and board. But what she discovered after land-

ing at Logan airport was a life of domestic slavery.

Talal Alzanki, a 30-year-old graduate student at Boston University, and his wife forbid Gedara to leave the house, gave her no days off from housekeeping, forced her to sleep on the floor, fed her scraps, and threatened to kill her if she left the apartment. "They tell me if I go out, policemen will shoot and kill me," she later told reporters. "I believe it."

Private nurses caring for the Alzanki's ill son became suspicious. After sneaking Gedara food for several weeks, they arranged for a police officer to rescue her from the apartment. In 1994, Alzanki was convicted of involuntary servitude, while Hollywood producers courted Gedara about doing a movie on her life.

Perpetrators of involuntary servitude come from around the world. A January 2000 front-page story in the *Washington Post* described the plight of a Brazilian maid kept for years as a domestic slave by compatriots in a DC suburb. In August, a couple from

Cameroon living in Detroit was indicted for enslaving a young girl they had imported as a nanny.

Yet for every successful rescue and rehabilitation, there are thousands of cases that either go undetected or are never prosecuted (as I learned firsthand). By the numbers, roughly 30,000 women and children are trafficked annually from Southeast Asia, 10,000 from Latin America, 4,000 from the Newly Independent States and Eastern Europe, and 1,000 from other regions.

Cases of contemporary involuntary servitude are by no means limited to the domestic sphere. In 1997, a group of hearing-impaired and mute Mexicans were enslaved, beaten, and forced to peddle trinkets in New York City. The FBI is now even investigating cases of women being sold as sex slaves via Internet-auctions.

In the peach-picking industry, some migrant domestic workers—immigrants and native Americans—languish in bondage to overseers, who keep ledgers of ever-growing worker debts that must be repaid in labor. Despite prominent coverage of industry abuses by CNN and CBS News, problems persist. In 1998, authorities were able to liberate 28 indentured laborers in South Carolina when crew leaders accidentally revealed their second, illicit set of books to inspectors. According to Dianne Mull, Executive Director of the Virginia-based Association of Farmworker Opportunity Programs, there are "too few protective laws under agriculture labor standards."

A group of Columbia graduate students recently demonstrated how easy it is to locate cases of involuntary servitude. While working on a global report for our organization, the students visited New York's

Chinatown, where they located young women trapped in debt bondage waiting outside black market employment agencies. The women had been smuggled into the country illegally by "snakeheads," and were now forced to work in the snakeheads' massage parlors to pay off their \$50,000 debts.

In a growing global economy, the U.S. is increasingly a nexus for all sorts of international trade, including human traffic. The CIA report cites several reasons for America's new appeal: weak economies in countries of origin; low risk of prosecution and enormous profit potential for traffickers; and improved international transportation infrastructures. Organized crime syndicates from the Russian Mafiya to Chinese immigrant smuggling rings have discovered a lucrative racket and are cashing in.

As Americans have become increasingly aware of slavery, the response has been encouraging but far from adequate. Law enforcement officials are devoting increasing resources, Congress is considering expanding existing statutes, and non-profits are springing up to aid victims and formulate policy. Yet no popular anti-slavery movement has taken root. While individual citizens have been instrumental in identifying cases of involuntary servitude, civil society as a whole has not mobilized to confront this fundamental civil rights violation.

The Clothes off Our Backs

Check the designer label on your shirt. On August 3, 1995, California labor officials asked the public to do just that. The occasion: a press conference held to announce the liberation of a slave workshop in the Los Angeles suburb of El Monte. Seventy-two Thai workers had been trapped inside, working 16-hour days sewing garments with labels like Macy's, Filene's and Hecht's.

"Perhaps some of the clothes we are now wearing might have been made at this location," announced California State Labor Commissioner Victoria Bradshaw. "I never would have believed a situation like this could exist in the United States." Dozens of illegal Thai immigrants, most of them bused straight from airport, were locked up and guarded by night, and forced to sew garments for \$1.60 an hour by day. Factory owners demanded repay-

ment for transportation costs, and threatened anyone who tried to escape this debt bondage. Children were even held as hostages, and two workers who tried to escape were beaten and sent back to Thailand.

The garment factory had operated for nearly three years without attracting much notice. "If you passed by here, you wouldn't have thought they had a business going on inside," remarked one neighbor. Another admitted thinking little of the house's spiked fences and barred windows: "I thought that the barbed wire was a precaution against crime in the area." Who would have thought that the real crime was instead inside?



AIP PHOTO Scott Nelson

Three-year-old Phanuphong Khaisri of Thailand plays with his court-appointed temporary guardian in Los Angeles, May 2000. Phanuphong, nicknamed "Gat," was detained in the company of two unrelated adults who were using him in an apparent scheme to smuggle indentured servants into America.

In a pre-dawn raid, immigration officials stormed the compound. Six Thai nationals were subsequently charged with peonage, or involuntary servitude involving repayment of debts. Bolstered by prominent national press coverage, victims quickly received assistance from local aid groups and even Labor Secretary Robert Reich, who announced a suit for back wages against manufacturers and retail chains. Victims eventually won a \$4 million out-of-court settlement.

El Monte proved a watershed. As one high-ranking Justice Department official notes, "We became aware of involuntary servitude relatively recently. The El Monte case was the first prominent case that we brought."

Lack of Diplomacy

As any steamed New Yorker can relate, diplomats never pay parking tickets. Under the Vienna Convention on Diplomatic Relations, foreign diplomats cannot be prosecuted by a host country. While the State Department expects envoys to abide by local laws, including wage and hour provisions, there is a growing concern among labor activists that diplomatic immunity has become a convenient cover for slavery.

I first heard of slaves in embassies from Mactar Teyeb, the Outreach Director of our organization and himself an escaped Mauritanian slave. As reported in a January cover story for the *New Yorker*, Teyeb has a relative who arrived in the U.S. as a slave for a Mauritanian diplomat. According to Teyeb, African slaves can be found in Mauritanian missions throughout the U.S.

But what I initially thought was a unique outpost of Mauritania's 800-year-old system of black chattel slavery turns out to be part of a much larger phenomenon.

**ACCORDING TO A NOVEMBER 1998 REPORT BY THE CIA,
10,000 PEOPLE ARE TRAFFICKED INTO THE U.S. EACH YEAR.**

According to officials at Human Rights Watch, which is currently investigating the treatment of migrant domestic workers with employment-based visas, wage and hour abuse inside the diplomatic corps are rampant. One study of 43 potential cases uncovered 42 violations, of which 14 could be deemed involuntary servitude. Though not a random sampling, the results are sufficient cause for concern.

Researchers cite the recent plight of Shamela Begum as a textbook case. Begum, the wife of a vegetable vendor in Bangladesh, watched friends work abroad and return with money to build new homes. Though illiterate, she signed on as a domestic worker in Bahrain, only to find herself working for her employer's brother in New York: Mohammed Saleh, the second secretary at the Bahraini Mission to the UN.

In Bahrain, U.S. Embassy officials had issued a visa after viewing a minimum wage contract with free room and board. But, in December of 1998, when Begum arrived at Saleh's East Side Manhattan apartment near the UN, her passport was confiscated. She was fed little, beaten occasionally, and could only leave the apartment accompanied by the Salehs. "I just cried," she later told reporters. "They wouldn't let me see another human being."

On one short walk around Manhattan with Saleh's wife, Begum heard a sidewalk vendor speaking her native Bengali. When the couple later left town, she slipped out and traced her way back to the vendor, and poured out

her story. Andolan, a South Asian workers' rights group, promptly alerted the police, who seized Begum but could not press charges against Saleh.

With legal assistance from the Asian-American Legal Defense and Educational Fund, Begum sued the Salehs. As her lawyer, Chaumtoli Huq, remarked: "Hiring an employee to clean your house and watch your children is not related to consular functions and should not be immune from Federal and state law." The Clinton Administration, however, sided with the defense, fearing retaliation against American diplomats abroad. Still, publicity from prominent *New York Times* coverage of the case compelled the Salehs to settle out of court for an undisclosed sum.

Cases like Begum's have become daily news for Joy Zarembka of the DC-based Campaign for Migrant Domestic Worker's Rights. Operating out of the Institute for Policy Studies, the campaign focuses on cases of involuntary servitude under work-visa conditions. The campaign initially lobbied the IMF and World Bank to adopt employment guidelines for diplomats.

Then the calls started. Reports of slavery cases began streaming in, and Zarembka found herself "becoming more of a victim support service than a straightforward advocacy campaign." With a coalition of two dozen DC area service organizations, the campaign provides vital assistance to victims who are often illiterate and speak no English. Of late, Zarembka's office has been receiving five cases a day, including one involving an Ivy League professor and another featuring a 200-unit luxury hi-rise filled with Indonesian women serving Middle Eastern diplomats and students.

Profiting from Prostitution

One of the most prevalent forms of slavery involves trafficking women into the country for sexual purposes. And for the traffickers, business is booming. According to the INS, over 250 brothels in 26 different cities likely involve trafficking victims. The CIA report estimates that some crime syndicates have made as much as \$8 million in recent years pimping trafficked women.

Whether coerced or abducted into prostitution, women and girls are profitable twice-over. Initially, they are charged inflated prices for empty promises—alleged jobs, false documentation, housing, food, transportation, and even protection—for which traffickers demand repayment. Once transported (either to the advertised destination or far from it) victims are then forced into prostitution and other sex-related industries. Robbed first through their purses, women are then robbed through their bodies.

Sex trafficking draws masters and victims from all over the world to the United States. In one recent case, Russian-American Alexander Mishulovich was found guilty of luring Latvian women to Chicago under the pretense that they would be employed as (clothed) dancers in high-end clubs. Upon arrival, women were instead forced to dance topless or even completely nude. Rather than receiving the promised \$60,000 salary, victims were beaten and maltreated, and stripped of their passports and visas.

The 1995 case of *U.S. v. Wattanasiri* focused on a German national living in Thailand, Ludwig Janak, who recruited Thai women to the U.S., where they were forced into prostitution by Thai traffickers and a Korean madam. This trans-national trade was particularly shocking: the women were detained in an underground brothel with barred windows and 24-hour surveillance until they paid off their \$35,000 smuggling debt. Many were forced to have sex with 400-500 men in order to redeem themselves.

Sex trafficking is not limited to adults—or females. In May, a Colorado jury convicted a math teacher, Michael Charles Smith, for importing Mexican boys to Denver for sex. Indeed, the cases are many, the abuse horrific—and the profit, for the few and the fierce, can be tremendous.

In response, some activists, like Ann Jordan of the DC-based International Human Rights Law Group, are creating their own global network. Jordan has helped draft a UN protocol on anti-trafficking legislation and notes that the guidelines are not only applicable in trafficking hotspots like Cambodia or Bosnia: "I have been using the protocol to lobby for legislation here in the U.S."

The Perfect Crime?

In a way, slavery is the perfect crime. Masters take advantage of poor, uneducated victims who are typically part of the underclass—and who find themselves in a strange new land where they cannot communicate. The victim's inability to speak out ensures virtual impunity.

Consequently, combating contemporary slavery can seem overwhelming. As the CIA report notes: "Uncovering, investigating, and prosecuting... cases while protecting, assisting, and repatriating trafficking victims is a complicated and resource-intensive task." Of course, the mere fact that the CIA has issued a report on trafficking indicates significant progress. As Kevin Bales notes, "Now even the CIA has a figure for the problem."

One government official cites the 1995 Beijing Conference on Women as a turning point, at least on the issue of trafficking in women. "In Beijing, the world saw anti-trafficking measures championed by strong women leaders like Hillary Clinton and Madeleine Albright. This sent a message." More cynically, the official suggests that the rise in Eastern European victims may have played a part as well. "Suddenly you had large numbers of white women being caught up in what had once been

If you suspect a case of involuntary servitude...

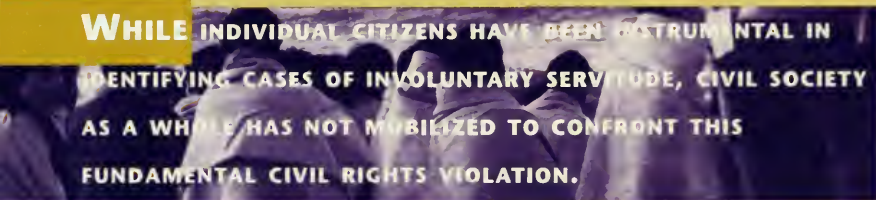


Both activists and law enforcement officials agree that the public should be on the alert for cases of slavery. But what to do in response remains a subject of dispute. While FBI officials encourage citizens to "call the local police," a human rights activist insists, "Don't call the local police." On the bright side, the public has an increasing number of resources at its disposal. Below are several good avenues citizens can pursue:

- The toll-free National Worker Exploitation Hotline (1-888-428-7581). Department of Justice staffers are available from 9 to 5 EST. Calls are confidential, and all tips that come in are referred to attorneys in the Civil Rights Division.
- The Campaign for Migrant Domestic Workers Rights (202-234-9382 x244). Joy Zarembka can help with translators and housing, particularly in the DC area and Northeast.
- The Coalition to Abolish Slavery and Trafficking (213-473-1611). Jennifer Stanger and her colleagues can provide direct support (including shelter), most easily for cases in Southern California.
- The American Anti-Slavery Group (1-800-884-0719). The toll-free line is open from 8 to 7 EST, and staffers speak Arabic, Spanish, French, and German. We primarily provide general advice and referrals to appropriate law enforcement and local aid groups.

perceived as a primarily Asian phenomenon." Moreover, the new traffickers—Russian gangsters, for instance—were also white.

On the domestic front, the Labor and Justice Departments unveiled a new initiative against employment abuse in April of 1998 by forming the National Worker Exploitation Task Force. A coalition of various government offices, the Task Force recently opened a toll-free hotline for reporting cases of labor abuse, including involuntary servitude. After a prominent feature on domestic slavery in a February 2000 issue of *Parade* magazine, the hotline received 500 calls in a four-month span, though operators admit that calls have slowed since June to only several calls per week.



WHILE INDIVIDUAL CITIZENS HAVE BEEN INSTRUMENTAL IN IDENTIFYING CASES OF INVOLUNTARY SERVITUDE, CIVIL SOCIETY AS A WHOLE HAS NOT MOBILIZED TO CONFRONT THIS FUNDAMENTAL CIVIL RIGHTS VIOLATION.

Calls to the hotline are quickly passed on to attorneys working in the Civil Rights Division of the Department of Justice (DOJ). Yet while DOJ officials state that they have prosecuted dozens of cases in the last few years, the CIA report notes: "State and local law enforcement officials appear to have only scratched the surface of the problem."

DOJ officials stress that they have significant manpower available, with 40 attorneys in Civil Rights Division bolstered by U.S. District Attorneys' offices in 94 locations across the country. Still, the CIA report cites several operational deficiencies in the DOJ's response structure: "Even within the DOJ, information is not always shared among the concerned offices... Many FBI agents say it is difficult, if not impossible, to formally write-up the cases... Furthermore, there is no one central repository of all the trafficking in women and children cases within the United States."

Even when they can investigate, Federal prosecutors face several daunting challenges. Officials note that the crime typically occurs "behind closed doors," as language and cultural barriers isolate the victims. To infiltrate ethnic crime groups, some officials say more ethnic Chinese and Spanish-speaking agents are needed. They cite the sweatshop in El Monte, where a Thai-speaking agent helped break the case.

El Monte also suggested new ways in which government and civic groups could work together against slavery. According to Jennifer Stanger, Media and Advocacy Director of the LA-based Coalition to Abolish Slavery and Trafficking (CAST): "El Monte became a model of how government and community groups could cooperate for

successful prosecution and humane treatment of victims."

In the ensuing publicity, more and more cases kept coming to the local U.S. Attorney's office, which continued to rely on community groups. To meet the growing demand for a victim support project, CAST was formed. Housed in LA's Little Tokyo Social Service Center—with "two desks, two phones, and access to a coffee machine"—CAST is a community care network that provides culturally- and linguistically-appropriate care to victims through a coalition of ethnic service providers. With Thai "clients," for instance, CAST turns to the Thai Community Development Center, Thai doctors and mental health counselors, and Thai-speaking legal services.

CAST maintains a primarily Asian focus, and currently assists 15 survivors, ranging in age from two to 61. As a sign of how limited non-governmental resources are, CAST remains the only mandated direct service provider to victims of slavery in the U.S.

Problems Stopping Traffic

At the center of new anti-slavery efforts is revising the legal definition of coercion vital to proving involuntary servitude. In the 1988 landmark case of *U.S. v. Kozminski*, the Supreme Court ruled that only the use of force or legal coercion can give rise to involuntary servitude. Consequently, prosecutors are often reluctant to pursue cases that might not meet these strict standards.

But as experts note, masters rely on psychological coercion. Vulnerable victims in foreign communities are dependent on traffickers, who rarely need to use force. Justice officials state that they are eager to expand what they call "the Kozminski standard" to include "non-violent" coercion (others use the term "psychological"): "We would like to bring cases involving fraud, deceit, isolation, threats to family members, and more."

Congressional leaders have recently begun to address these concerns. In the last few months, the House and Senate both passed new anti-trafficking legislation, which is now in conference. Not only does Senate Bill 3244 earmark \$94.5 million over two years for an inter-agency taskforce on global trafficking, but it would punish those who use psychological force to hold a person against his or her will.

Yet while the legislation's expanded definition of coercion should aid prosecutors, activists are dismayed that key provisions for victims were stripped in committee sessions. Ann Jordan sees increased tools for prosecutors but notes that "the bill no longer focuses on protecting victims, which was the concern of the original drafters.

Victims who fear for their own well-being will find little protection or incentive to cooperate."

Jordan notes that the bill allows the government to talk to witnesses without having to grant visas. In addition, victims have no Federal right to a civil claim, cannot sue for assets, and can be deported and even charged for crimes committed while trafficked (like carrying false documents). "How can someone who knows nothing about a foreign government agree to cooperate if they think their family is at risk? Anyone who has a real fear of retaliation should receive a visa to stay here."

CAST's Jennifer Stanger also voices concerns about the revised legislation. "Without victim protections, you won't see people coming forward. Unless the conference committee turns this around, this is by no means the best bill we could see."

Not-So-Hotline

Activists also express concern that DOJ initiatives are themselves less than ideal. One notes that the exploitation hotline "is not the best resource." Only available from 9 to 5 EST, hotline staffers speak just English, Spanish, and Mandarin (though operators can connect to ATT interpreters at any time). Outside working hours, there is a message in three languages.

It is also not clear whether the Department knows exactly how to handle reports of servitude. "The government asked me whom to refer people to, but I had no better idea," remarks Ann Jordan. "Because of limited funding, there are only a few organizations, mostly in major cities. There's hardly anybody there to address hotline calls except prosecutors who want to prosecute."

On Sunday, typically the best time to call for domestic slaves, one can only leave a message. "What are you supposed to say if you are a victim?" asks Joy Zarembka. "Call my abuser and ask for me!" Other activists note that the Task Force, which handles the hotline, was created by Attorney General Janet Reno with no funding behind it.

Beyond the limited resources of the Task Force, activists often feel that working with government is often a "one-way street." As Ann Jordan laments: "NGOs should not have to spend their time developing relationships with government. Government should be developing its own protocols that NGOs work within."

Pam Shiffman, co-Executive Director of the women's rights group Equality Now, describes a frustrating gap between civil organizations and law enforcement. "Officials at the FBI and Department of Justice have been responsive to cases," Shiffman notes. "But they cannot tell us what specific action they are taking in response. As a result, it's hard to know whether to press them to do more."

While encouraged by government's stated commitment to the issue, Joy Zarembka mentions that cases are

not always coordinated well. She cites the case of an Ivory Coast woman who had previously been antagonized by police, and been told by her master that police were dangerous. The woman was terrified of anyone in uniform, even parking attendants. "Due to miscommunication between Justice, the local police, and us, the police went in and botched the situation," Zarembka recalls. Only after dragging the hysterical victim down to the station, where no one spoke French, did police call campaign staffers. "If there's not coordination," Zarembka observes, "you risk putting the victim through even more trauma."

CAST's Jennifer Stanger argues that the lack of coordination with service providers can end up hurting the prosecution's case. "Law enforcement is so focused on prosecution, but they need to take a step back and look at how they can work with community agencies to assist victims who serve as witnesses." She cites the recent Little Rock trial of former NBC-affiliate-owner David Jewell Jones who was accused of importing two Chinese women as sexual slaves. After the two women perjured themselves on the stand, the case ended in a mistrial.

"These women were sexually abused, transported against their will," complains Stanger. "But they had no advocates to work with them, and no community groups to help them prepare for court. They got up and perjured themselves, not on purpose, but because there was nobody working with the victims to prepare them for trial. Now the women will likely be deported."

A Call to Action

One fundamental course of action is needed to respond to the disturbing rise in domestic slavery: America must once again declare slavery a vital civil rights issue. That means that the great institutions of its democracy—from the press, to civil rights organizations, to faith-based groups—should do their part to bring abolition to the forefront of the nation's political agenda.

The American civil rights movement is remarkable for its creativity and persistence. Over the decades, the movement developed an innovative set of tools to fight social injustice, acting as a powerful antibiotic to the festering of hate and institutionalized inequality. Nonviolent civil disobedience, creative legal argumentation, and strategic coalition building, for instance, all proved invaluable in the fight against Jim Crow.

Human bondage is arguably the worst civil rights violation occurring today in the U.S.—and we must respond with similarly creative measures. Just as Amnesty International campaigns to free prisoners of conscience, we now need to stand up for "prisoners of commerce." That is what victims of contemporary slavery are. Though not intellectuals (like the human rights community) who live by and suffer for their ideas,

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CROSSING THE LINE

**Bulked-Up Border Patrols
Are Not Having Any
Impact on the Number of
Unauthorized Immigrants—
Is It Time to Reconsider?**

by Karen Hastings



Police officers handcuff unauthorized immigrants.

IN SOUTH TEXAS THIS SUMMER, U.S. Border Patrol officials celebrated the three-year anniversary of Operation Rio Grande, the latest incarnation of the U.S. government's \$700 million-a-year campaign to control illegal immigration across the 2,000-mile border with Mexico. Local officials from booming border communities praised Operation Rio Grande's success in lowering the crime rate and increasing public safety. Similar enthusiasm can be heard from San Diego, California, to Brownsville, Texas, from mayors, police chiefs, and ordinary citizens who credit the presence of thousands of newly hired border agents, plus millions of dollars in high-tech surveillance equipment,

fences and vehicles, with what is often called "a better quality of life" in these border towns.

But elsewhere along the often unforgiving U.S.-Mexico dividing line, it is the deaths of hundreds of migrants—not the quality of life—that is troubling civil rights and government leaders. Drownings in the Rio Grande; deaths from thirst and exposure in the mountains of California, even fatal confrontations with frustrated property owners in the desert ranchland of West Texas—incidents like these are increasingly being laid at the feet of the country's border initiative. In the past year, some 340 deaths have resulted at least in part from the increased patrols, which—in targeting urban areas like San Diego, El Paso and South Texas—have pushed illegal immigration into new and more dangerous areas. Also of concern to civil rights groups: the impact on border communities, where residents complain of increasingly common confrontations with Federal border agents. Even those happy with the public safety results of campaigns like Operation Rio Grande in South Texas, Operation Gatekeeper in California and Operation Safe-guard in Arizona lament the transformation of once-relaxed border communities into "armed camps."

These troubling deaths and community tensions come as researchers question the over-all effectiveness of vigorous border enforcement in combating illegal immigration. Critics question whether the new Border Patrol strategies have really cut the flow, or simply diverted it to other areas—at considerable human cost. Little more than half of today's estimated five million unauthorized immigrants came to the U.S. via illegal border crossings. The other half are visa overstayers—students, visitors, temporary workers—who enter with valid visas and become "illegal" when their visas expire. Michael Fix, the Director of the Immigration Studies Program at the Urban Institute, says that the jury is still out on the over-all impact of the border patrol effort on the total number of unauthorized immigrants. But, he says, the effects appear to be relatively marginal. "Not only does it seem that there has not been a decline in the flow, there could well have been a parallel and unintended increase in the stock, that is, the number of people who elect to stay in the U.S. once they are here."

And even if the policies were effective in their stated goal of significantly reducing illegal immigration, some question whether the human cost would justify the results. In a 1999 report, "Death On The Border," University of Houston researchers ask whether policy makers have adequately considered these costs: "How many migrant deaths are acceptable to the United States in its quest to enforce its borders? Do the local successes of strict border enforcement justify the mortality bill?"

For a growing number of observers, the answer is no. "There is no absolute right to control the border; it has to be harmonized with the right to life, with human rights," says Claudia Smith of the California Rural Legal Assistance



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Foundation. "You can't come up with a strategy that maximizes the risk to life and ensures that hundreds of migrants die."

Meanwhile, say researchers from the Washington, D.C.-based Center for Immigration Studies, lagging interior enforcement tells desperate would-be immigrants that crossing the border is their only obstacle.

"What draws migration to the U.S. is the lure of jobs because our economy is the envy of the world. The message that is being sent is, if you can avoid the Border Patrol, you're pretty much scot-free," says researcher John Keeley of the Center. "It's almost as if (the border build-up) is just window dressing in the absence of addressing more fundamental problems with U.S. immigration policy."

Bulking Up

The current U.S. campaign to strengthen the southwest border got its start in 1993 with Operation Hold The Line in El Paso, Texas, which used fences and strategically placed Border Patrol agents to move illegal migration out of the downtown area and into areas where such traffic would be more difficult to conceal. Success from that program led to Operation Gatekeeper in San Diego and Operation Safe-guard in Arizona, both in 1994, and most recently to Operation Rio Grande in 1997. These operations have doubled the number of agents stationed along the southwest border, to a total of some 8,400 today. In some sectors, the number of agents has tripled or even quadrupled.

The local impact of these various campaigns, as reported by the INS, has been impressive. Officials note that illegal immigration in the San Diego and El Paso areas, which once represented 70 percent of all border crossings, remains at historically low levels. In Brownsville, Texas, where the Border Patrol guards 25 miles of the Rio Grande between this community of roughly 100,000 and its larger Mexican sister city of Matamoros, agents predict they soon will see days with zero apprehensions. That compares with previous peaks as high as 300 per day, and is cited as proof that this strategy of deterrence is working.

"I would just invite (critics) to look at the border that existed before there was a policy of deterrence instead of a

policy of apprehension and chaos," says U.S. Rep. Sylvestre Reyes, who was a Border Patrol chief in El Paso before his election to Congress. "Communities that live along the border want, and should have, an expectation of the same quality of life that every other community has."

In Brownsville at least, Mayor Blanca Vela agrees. "At first, people were saying, 'They're bombarding us with those agents and their Ford Explorers. We feel threatened,'" says Vela. "Now that (the agents) have been here a couple of years, the people in the community are saying, 'We feel safer.' Something is happening where we don't have as much crime."



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Border Patrol Officer in special night vision helmet.

A Grim Harvest

But such successes have come with considerable cost in human lives, as migration moved from heavily patrolled areas to remote stretches of desert, mountain and brush. Through eleven months of the fiscal year 2000, 340 migrants died on the border, already a 47 percent increase over the previous year. Migrants are dying of exposure in treacherous terrain, in confrontations with angry property owners, in the swift currents of the Rio Grande or the All-American Canal. Local officials frequently are forced to

DROWNINGS IN THE RIO GRANDE; DEATHS FROM THIRST AND EXPOSURE IN THE MOUNTAINS OF CALIFORNIA, EVEN FATAL CONFRONTATIONS WITH FRUSTRATED PROPERTY OWNERS IN THE DESERT RANCLAND OF WEST

TEXAS—INCIDENTS LIKE THESE ARE INCREASINGLY BEING LAID AT THE FEET OF THE COUNTRY'S BORDER INITIATIVE.

bury unidentified bodies in pauper graves.

The deadliest state of all this year was Arizona, where migrants pushed from easier crossing points in California and Texas have increasingly chosen to attempt entry across inhospitable lands with names like Camino Del Diablo (Devil's Highway). The eastern California border, with similarly unfriendly terrain, also saw its share of deaths this year. Between 1999 and 2000, the total number of migrant deaths from heat exposure alone more than doubled, to 109 through the first eleven months of FY 2000.

Along with deaths, investigators says the squeeze also registers in the fees charged by "coyotes," which have risen along the border from \$250 to as much as \$1,500, and in increased levels of violence by these gun-toting alien smugglers.

In their "Death On The Border" report, researchers from the University of Houston's Center for Immigration Research document more than 1,600 possible migrant deaths along the southwest border between 1993 and 1997. They assert that debate on U.S. border policies has generally ignored the human costs—as evidenced by the difficulty they had in even counting migrant deaths.

"I think the plan was...to drive people into difficult areas so they would turn back," says Prof. Nestor Rodriguez, who co-authored the report. "I don't know if it was naïve, but they could have just read the literature. They would have understood that these people would not turn back. These are not middle class people with six good job options and working in a restaurant in Tucson is just one of them. These are people who think they have only one option—to come north."

Many migrants rights groups say the miscalculation was deliberate. "They anticipated death. I don't think they anticipated this many deaths," says Claudia Smith of the California Rural Legal Assistance Foundation. "They realized a lot of people were not going to give up."

Immigration officials bristle at allegations of indifference. They say blame should be directed at alien smugglers, who often mislead their "clients" about the fatal dangers ahead. Smugglers, they contend, routinely send migrants to their deaths with incorrect information and insufficient supplies of food and water, and readily abandon them when injured or unable to keep up.

"We anticipated and prepared to adapt to shifts in the border crossing patterns that smugglers had traditionally used. But we did not believe they would subject migrants to the terrible dangers of the most perilous places on the border," INS Commissioner Doris Meissner wrote in an August editorial in the *Arizona Republic* newspaper.

Border Patrol Deputy Chief Mike Nicley says smugglers are "in it to make a buck," while agents routinely shift from enforcement to rescue when people are in trouble. He insists that "the Border Patrol is a friendly face out there when people are in distress," and points out that, in some respects at least, the patrols have made the borders safer—for example, by chasing off border bandits who used to prey on immigrants.

Border Patrol officials have also reacted to the increasing number of deaths with a Border Safety Initiative, launched in June 1998. Along with CPR and first-aid courses, agents who patrol near water are receiving swift-water rescue training. Signs posted at locations along the Rio Grande warn of particularly dangerous currents, while signs and lighting along the All-American Canal in southeastern California were also erected to stem a high

number of drownings there. In the El Centro area of southeastern California, Border Patrol officials say they cut migrant drownings by 34 percent over two years by erecting lights and barriers, and by using specially trained patrols in all-terrain vehicles.

Media campaigns warning about the dangers of dealing with alien smugglers—complete with film clips of dead bodies discovered in the desert—have been aired in cooperation with Mexican authorities, Border Patrol officials say. And where once researchers were unable to determine how many migrants were dying in their trek to the United States, the Border Patrol now tracks migrant deaths and rescues by location and cause—from vehicle accidents (33 so far) to homicides (16 so far in FY 2000).

INS officials insist that when its various operations are fully in place deaths as well as illegal immigration will decrease. From diving into the Rio Grande near Laredo, to hunting through the deserts of Arizona by air and on foot, Border Patrol agents say they have rescued almost 2,200 migrants in the first 11 months of fiscal year 2000. That's up from 1,041 people rescued in fiscal year 1999. "The sanction for entering the U.S. illegally should not be death," Deputy Chief Nicley affirmed in a recent interview.

Tension Mounts

Yet community tensions over the Border Patrol build-up, and the changes in migration patterns that are sending waves of immigrants into new crossing areas, have swelled the death count in an equally troubling way. In a spate of much-publicized "vigilante" incidents in Texas and Arizona, a few property owners are taking up guns against the people they say are trampling their fences, stealing their food, and trashing their property.

In Texas, a Kinney County man, Samuel Blackwood, is under indictment in the May 2000 shooting death of Eusebio de Haro, 23, who bled to death after he was shot in the back of the leg. A survivor of the incident near Brackettville claims the confrontation began when a small group of undocumented immigrants came on Blackwood's property to ask for water, says District Attorney Tom Lee.

Lee reports the shooting was the fourth this year involving a Mexican citizen and a property owner. Downed fences, trampled hay supplies, water left running, livestock butchered for food—such problems caused by increased illegal migrant traffic in the area have led to "a great deal of frustration" on the part of some landowners, the district attorney says.

"As long as I've lived out here, there's nothing in the world unusual about a rancher calling the Border Patrol when they see a large group of aliens," Lee said. "What is unusual is a rancher taking a gun and shooting somebody. There are some serious pressures involved."

While Lee advises property owners against meddling in immigration and law enforcement matters, he says he has heard some ask, in liaison meetings with Border Patrol officials, if they can hold migrants at gunpoint until they are rounded up by border agents. "I've had people express the sentiment that if they're on my property they better watch their rear end 'cause it's going to be shot off," says Lee.

Up the border in Arizona, rancher Roger Barnett of Douglas has become a vocal symbol of the frustration that has gripped many property owners who feel their land is being overrun. Armed with a handgun, and chronicled in publications from *Time* to *The Washington Post*, Barnett has taken to rounding up immigrants he finds crossing his 22,000-acre ranch. Barnett claims to have arrested as many as 3,000 of what he calls "criminal trespassers" in the past two and a half years.

"They're not just poor people coming across to work. They're law breakers. They're a destructive crowd and I've got no use for them," says Barnett, who complains the migrants breach his fences and leave behind trash. "My civil rights are being violated. The constitution requires that they protect me from invasion but the gosh damn government is not doing it. I'm not kidnapping them. They need to stay off my property. Stay the hell off."

Exasperated Border Patrol officials insist Barnett's viewpoint has been given unwarranted prominence by the national media, and that "less than a handful" of property owners have taken similar action. Still, such incidents have led to at least one lawsuit in Arizona, protests by the Mexican government, and complaints that the Border Patrol is encouraging Barnett and his followers by not taking a harder stand.

In U.S. District Court in Tucson, Chihuahua, Mexico, resident Javier Bencomo Arreola is seeking damages against a ranching couple in Cochise County, Arizona. In his complaint, Bencomo Arreola states that he and others were in the company of a "guide" in April 1999, when they were stopped at gunpoint by the couple. He also complains that the defendant's wife set her dog on the group, one of whom was bitten. When the group attempted to flee, the defendant followed in his pickup truck and held them at gunpoint, the complaint states.

In a letter this summer to INS Commissioner Doris Meissner, an attorney for the California Rural Legal Assistance Foundation called such "citizen's arrests" illegal in themselves. "It is fine for the ranchers to be the Border Patrol's eyes and ears, but they should not be allowed to do the rest of the Border Patrol's work, i.e., stop, question, detain or arrest for violations of immigration laws," says the letter. "If the trespassers are in custody simply because they are believed to be illegally in the U.S., the ranchers should be advised that there is no legal basis for a private person to hold them, i.e., false imprisonment is at play."

Border Patrol officials say they are working closely with border ranchers and property owners in every state to address problems and calm frustrations before they escalate to violence. In a letter last April, the chief of the Tucson Border Patrol sector advised Barnett: "In taking such actions, you could potentially be at risk of personal danger, criminal prosecution, and/or civil suit for false arrest or other civil liabilities." The letter warned that information about illegal actions "on the part of any party involved" would be forwarded to the U.S. Attorney's Office.

Unintended Impacts

Even in calmer border communities where Border Patrol operations have taken hold, civil rights groups complain that residents are paying a high price for a managed border. They complain that residents—even legal ones—are increasingly stopped, questioned, even harassed by ever-more-visible Federal agents. While the Border Patrol says racial profiling is not used, it is individuals of Mexican descent—from Federal judges to the humblest laborer—who feel the pressure.

U.S. District Judge Filemon Vela was upset last year when he was stopped by border agents on his way to a court session in Laredo. Agents told him his vehicle looked suspicious because it carried four people—and might therefore be smuggling aliens. Vela, who regularly rules on the admissibility of evidence recovered in law enforcement searches, said Border Patrol officials promised to better train their agents to guard against unjustified stops.

When Judge Vela was stopped last month on the same highway, he was told the problem this time was tinted windows. Vela's ruling: Baloney. "I did not consider the conduct that they engaged in legal," said the judge, who does not believe his ethnicity was a factor. Rather, he thinks that random and unjustified stops are becoming far too common. "It makes you wonder whether they are really interested and recognize they must conform their conduct to the law. You've got to believe that it's not a coincidence that twice in one year they stop a Federal judge for no reason at all."

Border Patrol officials realize they have a problem, even as they insist their officers are trained to make stops only with legitimate cause. "Perception is reality," says Deputy Chief Mike Nicley. "We can't have the people perceiving that law enforcement people are stopping people for invalid reasons."

But if such practices anger a U.S. District Judge, they strike fear in humbler individuals. Most victims fear retribution if they complain, says Texas attorney Ray Gill, project director for the South Texas Civil Rights Project. And, Gill adds, the courts have accepted any number of "reasonable suspicions" for stopping people—from time of day and behavior of the person being stopped, to the

type of road traveled. "That could be a road going north, south, east, west, close to the border, away from the border, dirt road, four-lane highway. Even though it ... may very well be a random stop, once the officer starts bringing up these manufactured excuses, the courts have accepted those and they have been granted immunity from lawsuits," said Gill.

Although the courts do not condone mere skin color as justification for a Border Patrol stop, and the Border Patrol denies it uses racial profiling, it still occurs, Gill said. "The

describe the often insidious effects of this new border crackdown on immigrant communities. In small border towns and big cities, the report states, many immigrant families are foregoing medical care for their children, immunizations against disease, and other government benefits for which they are eligible. "The most observable effect is withdrawal from services, a trend that will in the long run affect the well being of everyone—citizens and non-citizens alike—in these communities," the report states.



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Border patrol arresting unauthorized Mexican immigrants.

Border Patrol is not going to stop an Anglo in a three-piece suit. They're not going to stop an Anglo at all. (They're going to stop) someone who has dark skin and looks Mexican and has poorer looking clothes. They'll say he avoided eye contact or appeared suspicious."

A recent case from Gill's files is particularly troubling. The mother of 22-year-old Javier Pelayo has filed suit against INS and the Border Patrol in Starr County, Texas. She claims her mentally disabled son, who was a legal permanent resident, died after he was deported by Border Patrol agents.

According to the lawsuit, Javier was stopped in April 2000, in Roma, Texas, by agents who didn't believe his claim that he was a legal resident and who transported him back to Mexico. Nearly two weeks later, as Olivia Pelayo searched desperately for her son, and after he had tried unsuccessfully to reenter the United States at a legal U.S. port of entry, his body was found in the Rio Grande. He had drowned trying to enter the U.S. illegally.

The massive build-up adds to problems people of Mexican descent have experienced on the border for decades, Gill said. "A lot of these (agents) are not well trained. They're given a gun, a uniform, a vehicle and lots of authority over these people who are so vulnerable. The more officers, the more (civil rights) violations."

The problems are not limited to the border itself. In a new report, researchers at the University of Houston

WHILE THE BORDER PATROL SAYS RACIAL PROFILING IS NOT USED, IT

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FEEL THE PRESSURE.**

The report documents the concerns of school administrators who fear some parents may not register or may pull students from school, fearing deportation. "The presence of INS has become more visible in public spaces, including near schools. This is especially true along the border, where Border Patrol agents have been seen patrolling near school grounds when school is let out in the afternoon."

The report concludes: "The atmosphere of confusion and uncertainty, along with strengthened enforcement, has generated anxiety, fear and mistrust in immigrant communities."

Ultimately, however, the issue goes beyond the question of immigration itself and cuts to the core of what it means to live in America. While he supports Border Patrol agents going about their jobs, Douglas, Arizona, Mayor Ray Borane sums up the reservations of many local officials who feel troubled by the new border initiatives.

"It looks like an Army garrison around here. It looks like a militarized zone," says Borane, whose community is currently being overrun by thousands of illegal immigrants forced from other areas—and by scores of new Federal agents as well.

Until lawmakers address the underlying reasons for illegal immigration, the Border Patrol will continue fighting "a losing battle," he said. "This antiquated policy perpetuates civil rights issues. And they're going to get worse." ❧

KAREN HASTINGS IS A FREELANCE JOURNALIST LIVING IN THE BORDER COMMUNITY OF HARLINGEN, TEXAS.



The Black *and the* With Friends Like

SINCE THE HEYDAY of the civil rights movement in the 1960s, the public has viewed the elite news media as proponents of racial equality and advocates for the black poor. Yet the stories about poverty in the national news media do not reflect this expected racial liberalism. On the contrary, news coverage of the poor has consistently distorted black poverty—portraying it more negatively and less accurately than white poverty. Indeed, over the past four decades, the country's elite media organizations have offered a portrait of American poverty that exaggerates racial differences and unfairly associates blacks with the least attractive subgroups of the poor. And when news stories on poverty do take on a more sympathetic tone (as they tend to do during economic downturns) images of the black poor are replaced with images of poor whites.

Why have the American media portrayed the black poor so negatively, and with what consequences for American society and politics? To answer these questions, I examined forty years of news stories on poverty. I found profound changes in the way poor people were portrayed across this period of time. But I also found that one thing has remained consistent over the years: news images of poor blacks are more distorted, more derogatory, and more detrimental in their impact on the public's perceptions than images of the non-black poor.

The Poor in the News: Image and Reality

What do poor people look like in the news, and how do these images compare with the reality of poverty in America? A look at news stories from the late 1980s and early 1990s provides a start.

First off, poor people in the news have a very dark complexion indeed. African Americans accounted for 65

percent of the poor people shown on network television news between 1988 and 1992. Weekly newsmagazines offered the same view of America's poor: 62 percent of the poor people shown in *Time*, *Newsweek*, and *U.S. News and World Report* during these years were black.

Although these images correspond with the public's perception that poverty is primarily a black problem, the reality is quite different. According to the U.S. Census Bureau, only 29 percent of poor people in America during this period were black (and the percentage of African Americans among the poor has been declining slowly since then).

In a land where poverty is often taken as a sign of personal failure, the media's exaggerated association of blacks and the poor cannot help but reinforce old stereotypes of African Americans as inadequate, unmotivated, and mired in poverty. The news media offers the public a portrait of poverty in which blacks far outnumber non-blacks, while in reality fewer than three out of ten poor Americans are black.

Journalists' reputation as political liberals is well deserved. Numerous studies have shown that news professionals—especially those employed by the elite media organizations—are more Democratic in their voting and more supportive of liberal social policies than the average American. Perhaps, then, the media's disproportionate focus on black poverty arises out of sympathetic concern rather than disdain for poor blacks. Are liberal journalists consciously or subconsciously trying to bring the plight of the black poor to the public's attention?

A closer look at the content of stories on poverty casts doubt on this explanation of racial distortions in poverty coverage. Although African Americans are dramatically

Poor “Liberal Press”

These. . . *by Martin Gilens*

overrepresented in poverty stories in the news, they are not equally overrepresented among all groups of poor people. In news stories on poverty, blacks are most likely to be found among the least sympathetic groups of the poor, while whites are found more frequently among the most sympathetic groups.

One example of a clearly deserving subgroup of the poor is the working poor. Their willingness to work shows that their poverty is not a result of indolence, and that they share the “middle class” commitment to self-responsibility and self-support. In reality, about half of all poor Americans work at least part time. The public would be hard-pressed to learn this from the news, however: only 15 percent of poor people in the major newsmagazine poverty stories were identified as employed.

The scarcity of the working poor in news coverage has a racial bias as well. In reality, poor blacks are less likely to be working than other poor people, but the difference is slight. In newsmagazine stories, however, poor non-blacks were twice as likely to be shown working as poor blacks. A sympathetic portrayal of African American poverty? Hardly.

Another sympathetic group among the poor are the elderly, who are not expected to be working. Once again, it is hard to find this sympathetic group in news stories. A mere two percent of poor people shown in newsmagazine stories were over 64 years old. (In reality, 11 percent of poor Americans fall into this age group.) And once again, poor blacks were portrayed more negatively and less accurately than non-blacks. Although black faces predominated among the

**NEWS COVERAGE OF THE POOR HAS CONSISTENTLY
DISTORTED BLACK POVERTY—PORTRAYING IT MORE
NEGATIVELY AND LESS ACCURATELY THAN WHITE POVERTY.**

working-age poor, less than one-fifth of older poor people in newsmagazines were black. Once they reach retirement age, poor blacks seem to disappear from the news even more completely than poor whites.

African Americans were scarce in news portrayals of the working poor and the elderly poor, but there was one group of poor people in the news where black faces were the only ones to be found. In newsmagazine stories about the underclass published between 1988 and 1992, every single poor person pictured was African American. Of all the subgroups of the poor, the underclass—associated with crime, drugs, out-of-wedlock births, and “welfare as a way of life”—is perhaps the least sympathetic. And in news accounts, it is the most black.

African Americans do, of course, make up a substantial portion of the underclass. Social scientists disagree about how to define the underclass, and even about whether it is a useful concept at all. But no matter how we define the underclass—no matter what combination of poverty “indicators” we pick—the underclass includes substantial numbers of non-blacks. Indeed, by most definitions, blacks constitute a minority of the underclass. Yet the underclass in the news—at least during this five-year period—was portrayed as exclusively black.

These patterns of media coverage are not wholly divorced from reality. Compared with non-blacks, African Americans are disproportionately found among the under-

class, and blacks are slightly underrepresented among the elderly poor and the working poor. The real-life racial differences are small, however, while the racial differences in news images are huge. Readers who relied on these magazines for their information about the American poor would likely believe that there are few blacks among the working poor or those of retirement age, and that African Americans entirely account for America's underclass. The media's demographic misrepresentation of the American poor reflects negatively on the poor as a whole, but it reflects even more negatively (and more unfairly) on poor blacks.

My study of news coverage of poverty focuses on the pictures of poor people found in the news. But news-magazines also provide factual information in the text of their stories that might help to offset the misleading impressions created by pictures of the poor. However, factual information about the racial composition of the poor (or of subgroups of the poor) is quite infrequent in news-

World Report during this decade, but those stories that did appear were illustrated overwhelmingly with images of the white poor. (Television news shows from this period are not available, so I rely exclusively on these news-magazines to gauge the media's portrayal of the poor.)

After the devastation of the Great Depression, poverty was largely forgotten during World War II and the post-War recovery. In the early 1960s, however, the poor were "rediscovered," and President Kennedy made the fight against poverty a national concern once again. Yet the poverty programs of the early 1960s and the popular images of the poor that accompanied them were just as pale in complexion as those of the turn of the century. If there was a dominant image of poverty at this time, my research suggests it was the white rural poor of the Appalachian coal fields.

Even during this period when media attention was focused on white poverty there were some news stories that featured poor blacks, and the racial patterns of poverty coverage were the same then as in more recent years: pictures of blacks are found in stories that reflect negatively on the poor while pictures of whites appear in neutral or sympathetic stories. These early images of black poverty established the pattern of

unflattering coverage of the black poor in the news.

Much of the reporting on poverty in the early 1960s focused on the Kennedy administration's antipoverty initiatives. These stories tended to be neutral in tone and were illustrated almost exclusively with poor whites. The other major focus of poverty news during this period was on welfare abuse and the controversial "crackdown" on welfare by Joseph Mitchell, the city manager of Newburgh, New York. Mitchell claimed that recent black migrants from the South were swelling Newburgh's public assistance roles. In response, he instituted a 13-point program aimed at removing as many people from welfare as possible. Not surprisingly, coverage of Newburgh was illustrated with pictures of blacks (although *Newsweek* did point out that, in fact, 60 percent of relief recipients in Newburgh were white). Black faces were also prominent in a series of stories on the misuse of welfare, sparked by Senator Robert Byrd's 1962 investigation of welfare abuse.

The implicit message in poverty coverage from the early 1960s was clear. The undeserving poor—those who abuse welfare—are primarily black; the deserving poor are primarily white.

The War on Poverty

President Johnson launched the War on Poverty in January of 1964, and media attention to poverty jumped dramatically. A good example of poverty coverage from this

BY MOST DEFINITIONS, BLACKS CONSTITUTE A MINORITY OF THE UNDERCLASS. YET THE UNDERCLASS IN THE NEWS WAS PORTRAYED AS EXCLUSIVELY BLACK.

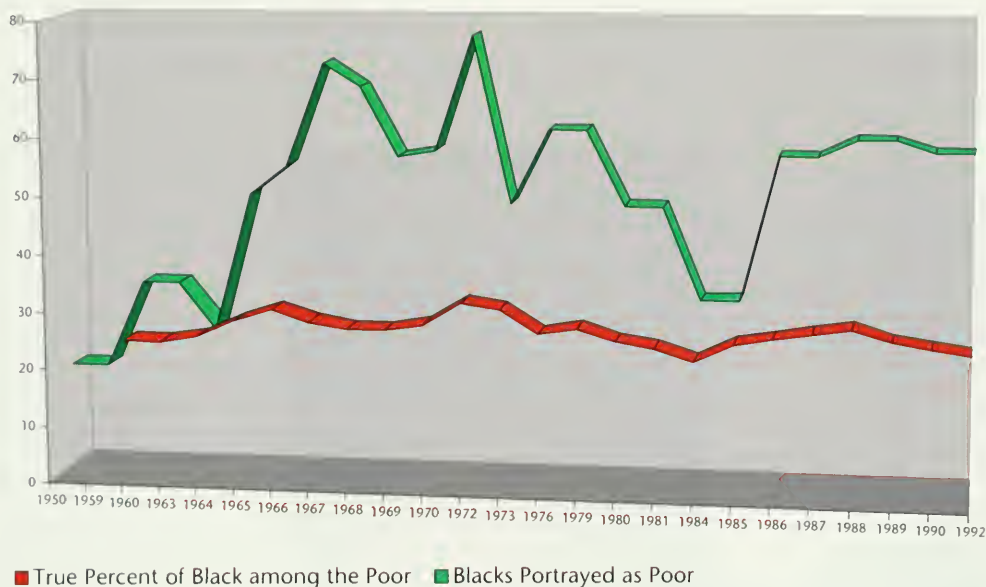
magazine poverty stories. Across a thirty-year period, this kind of factual information appeared in fewer than one out of twenty stories on poverty in the three magazines examined. But even when such information is offered to readers, it provides a very weak counterbalance to the steady stream of pictures that portray the poor as predominantly black. Virtually all readers will look at the pictures in a story on poverty, but many will only skim the text. And even those who don't read a particular story on poverty are likely to notice the pictures of the poor as they leaf through the magazine.

The Invisible Black Poor

African Americans and poverty are now so thoroughly entwined that it is sometimes hard to imagine that this was not always the case. But for most of American history, public debate about poverty concerned the white poor only. True, racial distinctions were common in 19th century discussions of poverty, but these were distinctions among the various white European "races" such as the Irish, Italians, and Poles. This early poverty literature had little or nothing to say about blacks, nor did the leading studies of poverty during the early decades of the 20th century pay much attention to poor African Americans.

This focus on poor whites was still apparent in news stories published during the 1950s. Poverty was not a prominent topic in *Time*, *Newsweek*, and *U.S. News and*

Figure 1. Percent African Americans in Newsmagazine Pictures of the Poor, 1950–1992



time is the twelve-page cover story called "Poverty, U.S.A." that *Newsweek* ran on February 17th. The cover of the magazine showed a white girl, perhaps eight or ten years old, looking out at the reader from a rustic shack, her hair disheveled and her face covered with dirt. This story profiled poor people from around the country: an elderly couple from Portland; a family of ten living without electricity or running water in rural Georgia; a "Main Street wino" in Los Angeles; the young students in a one-room school in West Virginia. Of the 54 poor people pictured in this story, only 14 were black.

This story was typical of War on Poverty coverage during 1964 in its substantial focus on rural poverty, its emphasis on images of poor whites, and its generally neutral tone toward the Johnson administration's antipoverty efforts. Like this story, most of the early coverage of the War on Poverty consisted of descriptions of antipoverty programs, profiles of Johnson's "poverty warriors," and accounts of poverty in America illustrated with stories of individual poor people. The expansion of news coverage that accompanied the War on Poverty did not coincide with the racialization of poverty images; at its inception at least, the War on Poverty was associated more with poor whites than with poor blacks.

The Racialization of Poverty in the News

The turning point in the racialization of poverty in the news came in 1965. The proportion of blacks among pictures of the poor jumped from 27 percent in 1964 to 49 percent a year later. As the thin line in figure 1 shows, the shift in media images in the mid-1960s cannot be explained by any true change in the proportion of blacks among the poor.

Coverage of poverty in 1965 remained focused primarily on the War on Poverty, but the tone of that coverage changed. Instead of offering neutral stories describing the Johnson administration's new antipoverty initiatives or broad portraits of the American poor, poverty stories in 1965 were much harsher examinations of the government's antipoverty efforts and much more critical portraits of the poor. And these stories included far larger numbers of African Americans than stories on the War on Poverty from the year before.

News stories about the Job Corps, one of the first War on Poverty programs to get off the ground, illustrate the negative coverage of the War on Poverty during this period. These stories focused on problems such as poor screening of participants, inadequate facilities, and high dropout rates. But the most sensational objections

concerned the behavior of Job Corps members and the tension between Job Corps centers and nearby towns.

For example, a *U.S. News and World Report* story from July 1965 reported charges of "rowdiness" at Job Corps centers, including a dormitory riot in Tongue Point, Oregon, "in which lead pipes were hurled" and the alcohol-related expulsion of eight girls from a St. Petersburg, Florida, center. "Another worry," the story indicated, was the "antagonism between Corpsmen and nearby townsmen." People in Astoria, Oregon, for example, "complained about hearing obscene language at the movie theater," while residents of Marion, Illinois, were upset about a disturbance at a roller skating rink that occurred when some Job Corps members showed up with liquor. Although these incidents were not explicitly linked to black Job Corps participants, over half the Job Corps members pictured were black, a dramatic change from the predominantly white images in stories on the War on Poverty from the previous year.

The increasing focus on the black poor that began in 1965 continued over the next few years. As figure 1 shows, news-magazine stories on poverty contained even higher proportions of African Americans in 1966 and 1967. During a period in which the true percentage of African Americans among the poor hardly changed at all, but in which poverty discourse became decidedly more negative, blacks came to dominate images of the poor in the media.

Riots and Civil Rights

The changing portrayal of poverty in the news took place during a tumultuous period in American politics and race relations. In August of 1965, rioting broke out in the Los Angeles neighborhood of Watts. The Watts riots lasted six days, and left 34 dead and over 900 injured. Ghetto riots, which spread across the country during the summers of 1965 through 1968, brought black poverty to the public's attention in the most dramatic way possible.

The mid-1960s also saw a shift in the focus of the civil rights movement from the fight against legal inequality to the battle against economic inequality. Economic inequality had long been a concern of the country's black leaders,

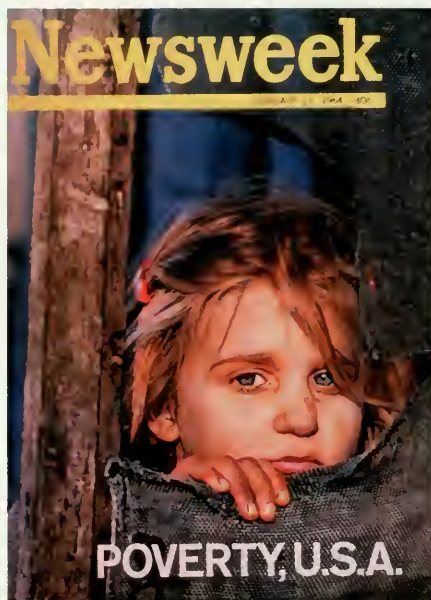
but this struggle had been largely eclipsed during the 1950s and early 1960s by the effort to end Jim Crow segregation and to secure black voting rights in the South. By the mid-1960s, however, important victories had been made in ending legal discrimination, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

The urban riots, the shifting focus of the civil rights movement, and the rise of a new generation of militant black leaders, all contributed to the public visibility of the black poor. Yet as dramatic and important as these events were, they cannot explain the timing of the racialization of poverty in the news since the numbers of poor blacks in news stories jumped even before the first large-scale riots erupted in August of 1965. Nor can these events explain the content of these news stories, which included images of poor blacks as examples of the problems and failures of the War on Poverty.

Despite the political upheavals of the mid-1960s, the media's increased attention to black poverty was not distinguished by a connection with ghetto riots or by a newfound concern with urban poverty. The War on Poverty continued to dominate media poverty coverage, but as the tone of that coverage became more negative, the images of the poor became darker. News coverage shifted from stories about the sympathetic and "deserving" poor, illustrated with pictures of whites, to stories of the "undeserving" poor filled instead with images of blacks. Racial portrayals changed, in other words, to fit the shifting moral stature of the poor in the media.

The Changing Face of Poverty

The tendency of the news media to associate blacks with negative stories on poverty and whites with neutral or positive stories is not limited to the Kennedy or Johnson administrations' antipoverty programs. During the decades since the 1960s, the proportion of African Americans in poverty stories has risen and fallen; the highest percentage of blacks have appeared in periods when the media discourse on poverty is most negative, and the lowest percentage in the more sympathetic coverage that tends to accompany economic downturns. As Figure 1



A long time ago, in a country far away.

shows, the highest proportions of blacks among the poor were found in 1972 and 1973, while the images of poverty appearing during the economic recessions of 1974-75 and 1982-83 were much whiter.

Coverage of poverty during 1972 and 1973 focused primarily on problems with welfare and efforts at welfare reform. Between the mid-1960s and the mid-1970s, spending on welfare increased dramatically and by the early 1970s, the expansion of welfare had come to be viewed as an urgent national problem. Stories published during 1972 and 1973 almost invariably referred to this situation as the "welfare mess" and the weekly news-magazines offered story after story focusing on mismanagement in welfare bureaucracies or abuse of welfare by people who could be supporting themselves. This sustained negative coverage of welfare was accompanied by the highest proportions of blacks of any point during the entire 43-year period examined.

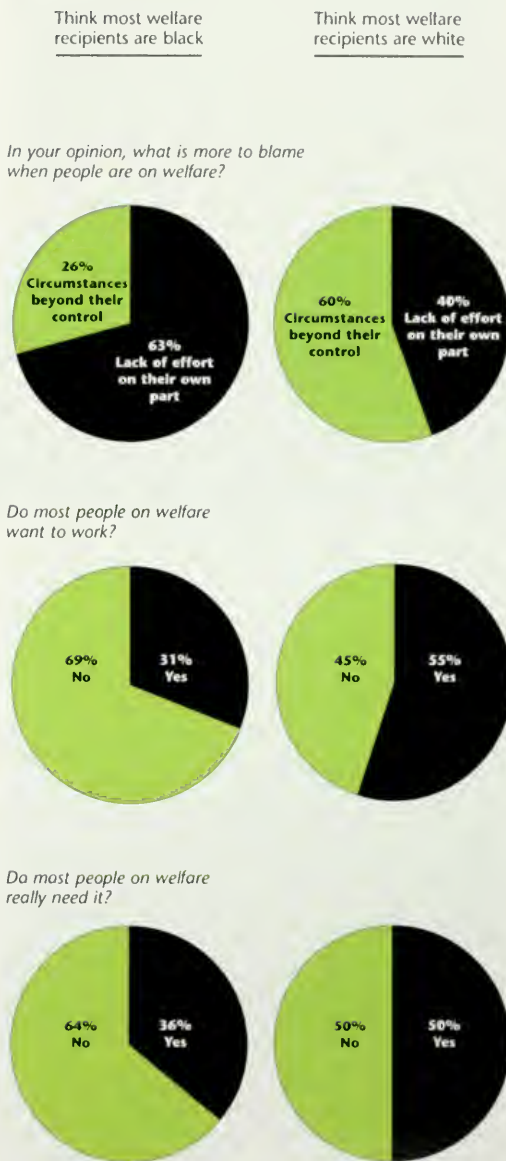
In stark contrast to the negative poverty stories of the early 1970s, news-magazine poverty coverage during the "Reagan recession" of the early 1980s was extremely supportive of the country's poor. Focusing on the faltering economy and the Reagan administration's efforts to "trim the safety net," these stories contained the smallest proportion of blacks since the racialization of poverty in 1965.

A good example is *Newsweek's* prominent story titled "The Hard-Luck Christmas of '82," which proclaimed, "With 12 million unemployed and 2 million homeless, private charity cannot make up for Federal cutbacks." This story went on to describe the desperate condition of poor families living in camp tents or in automobiles, portraying them as noble victims "who are paying the price of America's failure of nerve in the war on poverty." Reflecting the general lack of black faces in these sympathetic poverty stories, "The Hard-Luck Christmas of '82" included only 17 African Americans among the 90 poor people pictured.

Another theme in poverty stories from this period concerned the "newly poor," that is, formerly middle-class Americans who fell into poverty during the recession of the early 1980s. Typical of this coverage is a (white) family of four profiled in a *U.S. News and World Report* story from August 1982. This story describes how the Telehowskis were "plunged into the ranks of the newly poor" when the father lost his job as a machinist with an auto-parts company. No longer able to afford a car or an apartment, the Telehowskis reluctantly applied for welfare and became squatters in an abandoned house in inner-city Detroit.

The story about the Telehowskis, with their two small children and their determined struggle to support themselves, indicates the extraordinary sympathy that the "newly poor" received in news coverage from the early 1980s. *Newsweek* was even more extravagant in proclaiming the virtues of the newly poor, writing "The only aspect of American life that has been uplifted by the

Figure 2. Perceptions of Welfare Recipients



SOURCE: CBS/New York Times poll, December, 1994

continuing recession: a much better class of poor person, better educated, accustomed to working, with strong family ties."

It is not surprising, of course, that poverty is portrayed in a more sympathetic light during economic hard times. What is noteworthy, however, is that shifts in the tone of news reporting on the poor are accompanied by shifts in the racial mix of the poor people in news stories. The true proportion of blacks among America's poor remained virtually constant throughout these decades, but the racial portrayals of the poor in newsmagazines shifted dramatically as media attention turned from highly critical coverage of welfare during the early 1970s to highly sympathetic stories on poverty during the recession of the early 1980s.

SHIFTS IN THE TONE OF NEWS REPORTING ON THE POOR ARE ACCOMPANIED BY SHIFTS IN THE RACIAL MIX OF THE POOR PEOPLE IN NEWS STORIES.

Media Images and Public Perceptions

The racial ebbs and flows of poverty images in newsmagazines are paralleled by network television news. In 1968 (the first year for which network news shows are available), both newsmagazines and TV news included high proportions of blacks in their poverty coverage; in 1982–83 the racial portrayal of the poor in both media was largely white; and in 1988–92 the proportion of poor African Americans in both magazine and television news was high again. Across these three periods, changes in TV news portrayals mirrored those in the newsmagazines, and in each period the proportion of blacks in television coverage of poverty was slightly higher than the proportion in newsmagazines.

For most of the period since the mid-1960s, news portrayals have greatly exaggerated the extent to which blacks compose the poor. Not surprisingly, the public's perceptions of poverty reflect these media distortions. In national surveys, Americans guess that half or more of the country's poor are black (depending on how the question is phrased). Furthermore, this misperception is shared equally by Americans living in parts of the country with very few blacks among the poor (such as Utah and North Dakota) and those in states with substantial numbers of poor blacks (like Pennsylvania and Michigan). The geographic breadth of this misperception strongly suggests that media images, not personal encounters with poor people, are the driving force behind the public's racial misperceptions of American poverty.

Media images affect Americans' perceptions of the poor, and these perceptions in turn affect judgments

about the causes of poverty and support for (or opposition to) government antipoverty programs. Whites who think the poor are mostly black are more likely to blame welfare recipients for their situation and are more likely to oppose welfare than those with more accurate perceptions of poverty. In one survey, for example, respondents were asked which is more important when people are on welfare: lack of effort or circumstances beyond their control (see Figure 2). Among white respondents who thought most welfare recipients were white, half answered "circumstances beyond their control" but among white respondents who thought most welfare recipients were black, only one-quarter blamed "circumstances" while 63 percent said "lack of effort" was the cause.

Studies show that most Americans believe economic opportunity is widespread and that anyone who tries hard enough can get ahead. It follows that, although people may be poor for many reasons, any group that remains poor generation after genera-

tion is probably not trying very hard. Thus, the exaggerated association of poverty with African Americans bolsters the centuries-old stereotype of blacks as lazy.

Racial stereotypes and misperceptions of the poor reinforce each other. If poverty is a black problem, many whites reason, then blacks must not be trying hard enough. And if blacks are lazy, then it stands to reason that poverty would be a predominantly black problem. In short, the public rather dramatically misunderstands the racial composition of America's poor, with negative consequences for both poor people and African Americans.

Explaining Media Misrepresentations

Why do apparently liberal journalists create news stories that distort American poverty and portray the black poor in a consistently negative light?

One might suppose that the location of news bureaus in large cities could explain the tendency to overrepresent the black poor. But contrary to popular perceptions, most poor people in large cities are not black. Alternatively, one might imagine that journalists looking for poor people would be drawn to the very poorest neighborhoods in these cities. The racial mix of the poor in these neighborhoods is more heavily black than in less impoverished areas. Still, most of the poorest neighborhoods in the country's biggest cities contain large numbers of non-blacks. If news photographers, producers, writers, and editors truly sought a more balanced racial portrayal of the poor, it would not be hard to achieve—even if they restricted themselves to the poorest neighborhoods.

Most tellingly, racial distortions in poverty coverage are not limited to the overall representation of the poor. The concentration of poor blacks in inner cities cannot explain the sudden "whitening" of poverty images when news coverage of the poor becomes more sympathetic. Nor can it explain the lack of black faces in stories about sympathetic subgroups like the elderly or the working poor.

If the racial geography of America's poor cannot explain the racially distorted coverage of poverty, we must consider the role of stereotypes held by those who produce the news. Journalists working at the country's elite media organizations do tend to be political liberals. But surveys show that even liberal whites often harbor the same racial stereotypes as other white Americans.

When a recent survey asked white respondents to place blacks as a group on a scale from hard working on one end to lazy on the other, far more whites chose the lazy side of the scale. Even whites who called themselves liberals more often labeled blacks "lazy" than "hardworking."

Journalists may differ in their racial views from other liberal whites, of course, and may be less likely to consider African Americans lazy. But stereotypes function at the subconscious as well as the conscious level, and the choice of examples with which to illustrate stories on poverty may depend as much on subconscious judgments about what is "appropriate" as on conscious evaluations of blacks and the poor.

Psychologists have shown that even people who consciously reject a particular stereotype may nevertheless use that stereotype subconsciously to evaluate social groups. The notion of a "subconscious stereotype" draws on the idea that people hold a variety of beliefs and perceptions that guide their behavior but of which they are normally unaware. When people act purposefully and reflectively, their conscious beliefs guide their actions, but when they act "on impulse" their subconscious stereotypes can influence their decisions.

The text of a news story is the result of quite deliberate decision making. Journalistic norms of fairness and accuracy apply, even if they are not always followed as fully as one might like. But the examples that illustrate a news story are typically subject neither to the norms of accuracy nor to the conscious deliberation that shapes the story's text. Few journalists would be willing to produce a story that inaccurately reported the racial composition of America's poor. But photographs are not held to the same standards, and their selection reflects a largely subconscious judgment process in which considerations of accuracy may be overshadowed by concern with artistic merit, emotional power, or symbolic resonance.

In my conversations with photo editors at the three weekly newsmagazines, I found that none had any clear sense of how their magazines had portrayed the poor. Photographs are chosen story by story and no attempt is made to keep track of the results of the process in terms of racial representation or any other criteria. That is not to

WHAT'S WRONG WITH *THIS* PICTURE?

A cover story on welfare reform that appeared in *U.S. News and World Report* in January 1995 indicated in a side-bar that 43 percent of long-term welfare recipients are black. But 14 of the 18 welfare recipients chosen to illustrate this story (or 78 percent) were African American.

Despite repeated efforts over the course of several weeks, the *Journal* was unable to secure rights to the photos in time for publication here. However, we are able to reprint the captions accompanying them.

LACK OF EDUCATION: Aletha Townsend of Grand Rapids, Mich., at home with three of her children, has taken adult-education classes for 10 years but still has no diploma.

MAKING EXCUSES: Rebecca Ybarra of Moreno, Calif., with her children Robert and Rayleen, eliminates some potential jobs because she's "not a morning person."

SUFFERING ABUSE: Carmen Mattison of Grand Rapids, Mich., is training to be a nurse's aide. The father of her first three children is in prison for molesting one of her children.

CARING FOR THE ILL: Bertha Bridges of Detroit, who has been on AFDC for most of the past 15 years, fixes her daughter Angel's hair. Her son suffers from depression.

BATTLING DEPRESSION: Caseworkers in Kenosha, Wis., found 22-year-old Kim Towers struggling with depression and referred her to a therapist. (Interestingly, this relatively neutral caption accompanied the only photo of a white person in the main story.)

say that journalists are unconcerned with how their images reflect, or fail to reflect, reality; but the process of selecting examples to illustrate the news is simply not designed with accuracy as a primary consideration.

As we have seen, the largely subconscious process of choosing examples to illustrate news stories on poverty results in a particular pattern of racial imagery: not only is poverty coverage dominated by black faces, but the racial mix of examples varies depending on the subgroup of the

poor being covered. As one of the photo editors suggested, only some kind of "subtle racism" can explain these patterns of racial misrepresentation of poverty in the American news media.

Journalists are professional observers and chroniclers of our social world. But they are also residents of that world and are exposed to the same biases and misperceptions that characterize society at large. When journalists' misperceptions creep into news stories, however, they gain exposure to a vast audience and serve to perpetuate the stereotypes that have unfairly burdened African Americans for centuries.

THE EXAGGERATED ASSOCIATION OF POVERTY WITH AFRICAN AMERICANS BOLSTERS THE CENTURIES-OLD STEREOTYPE OF BLACKS AS LAZY.

Solutions

To combat public misperceptions of poverty, news organizations must broaden their concern for accuracy to encompass the pictures as well as the text of news stories. Providing readers with factual information is certainly important, and more frequent references to the true nature of America's poor might help. But textual information alone will not be enough if it continues to be accompanied by misleading images. Nor is it enough simply to increase the number of white faces in stories on poverty. Equally important, if not more so, is the way that poor whites and poor blacks are portrayed. If blacks are less numerous in poverty coverage but continue to be disproportionately identified with the undeserving poor, then little will have been accomplished.

On the whole, we would expect members of minority groups to be more sensitive to negative stereotypes of their group. Consequently, one important step to raise the level of racial awareness in news coverage is to expand the representation of minorities in the newsroom. Although important strides in this direction have been made over the past decades, minorities remain substantially underrepresented in media organizations, and progress toward integration has now slowed to a crawl.

But it is not the sole responsibility of minority journalists to supervise the behavior of news organizations in this regard. On the contrary, it is the responsibility of news professionals of all races to see to it that the news does not distort the social world by portraying certain groups in unjustifiably negative ways.

In response to concerns about the images of minorities in the news, some news organizations have instituted "photo audits" to systematically track the way minorities (or women) are portrayed. For example, in

1988 the *Seattle Times* began to count photographs of minorities appearing in positive, neutral, and negative contexts, and found that negative images of minorities outnumbered positive images by four to one.

In response to this dismal portrayal of minorities and to the discussion and "consciousness raising" that ensued among the news staff, coverage changed. In the following year, positive images of minorities outnumbered negative images. By 1990, the *Times* published twice as many photographs depicting minorities positively as negatively (a ratio that closely approximated the portrayal of whites in the *Times'* coverage). As the

Seattle Times' experience shows, when a news organization makes the fair representation of different social groups a priority and takes concrete steps to monitor its own news content, substantial change can be accomplished in a short time.

The poverty population as shown in the news—predominantly black, overwhelmingly unemployed, and almost entirely nonelderly—is unlikely to generate much support for government antipoverty programs among white Americans. Nor is public support for efforts to redress racial inequality likely to be bolstered by these images. Not only do African Americans as a whole suffer from the exaggerated association of race and poverty, but poor African Americans (who are often the intended beneficiaries of race-targeted policies) are portrayed in a particularly negative light.

Changing the way poor people are portrayed in the news will not, in itself, upend public attitudes toward race and poverty. The stereotypes involved are too old and too ingrained. Yet stereotypes do change, and social groups that were once reviled are now accepted.

African Americans too have gained much ground in the battle for social and economic equality. But progress has been too slow and setbacks too frequent. The mass media have played a crucial positive role at many junctures in the fight for racial equality, but in their portrayals of poverty, network television news and national newsmagazines have been the kind of "friends" that poor blacks can least afford. ■

In keeping with the Commission's guidelines, the three news magazines mentioned in this article have been offered an opportunity to respond. Responses received after the publication of the Journal will be published in the next issue.

MARTIN GILENS IS ASSOCIATE PROFESSOR OF POLITICAL SCIENCE AT UCLA. HIS BOOK *WHY AMERICANS HATE WELFARE: RACE, MEDIA, AND THE POLITICS OF ANTI-POVERTY POLICY* WAS PUBLISHED BY THE UNIVERSITY OF CHICAGO PRESS.

Human Radiation Experiments:

The Still Unfolding Legacy

by Dan Guttman

IN NOVEMBER 1993, journalist Eileen Wellsome gave names and real life histories to 18 Americans who had been injected with plutonium, a key ingredient in the atomic bomb. The patients were used in secret experiments, reportedly without their consent, to understand how plutonium courses through the human body. The data from these experiments were collected to try to limit the hazards facing thousands of workers at the Manhattan Project, the government's top-secret war-time effort to develop the A-bomb. After Wellsome's series appeared, reports on other "human radiation experiments"—including testicular irradiation of prisoners in Washington and Oregon and radioisotope laced breakfast served to institutionalized children in the "science club" at the Fernald School in Massachusetts—received widespread attention.

The public controversy that ensued brought basic questions to the fore: How many experiments were sponsored by the government, and why? Was anyone harmed? What, if anything, were the subjects told? What ethical principles guided the experiments at the time, and how should these principles be evaluated in retrospect? What should the government's response be today?

In January 1994, President Clinton appointed the Advisory Committee on Human Radiation Experiments, whose 14



PHOTO: Carol Gallagher

Ken Case, 1984 North Las Vegas, Nev.

members included a citizens representative and experts in bioethics, medicine, radiation science, history and law. I served as the Executive Director (and was gifted with an extraordinary staff).

The Committee was tasked to unearth and tell the story of human experiments that took place in the 1944-74 period (prior to the introduction of broad-based regulation requiring disclosure and consent in federally funded human experiments), and to determine how the experiments, undertaken in a different era and with different standards, should be judged. The Committee was also tasked to evaluate the billions of dollars in ongoing federally

long secret, ranging from the administrations of Franklin Roosevelt to Gerald Ford. The Committee reviewed thousands of documents, interviewed dozens of surviving researchers, officials and participants, held

31 days of public hearings, and surveyed ongoing research. (The final report, published by Oxford University Press, contains a "Citizens Guide" to access the documentation reviewed in the Committee's efforts.)

As the Committee's research progressed, it became clear that to understand contemporary thinking about the ethical questions posed by human radiation experiments, it was necessary to understand the new roles undertaken by biomedical researchers at the intersection of the fast-growing fields of radiation science and government-sponsored research at the start of the Cold War. A pivotal clue came from long-classified documents filed in



THE PLUTONIUM EXPERIMENTS COINCIDED WITH THE ALLIED TRIBUNAL'S

1947 PROMULGATION OF THE NUREMBERG CODE, WHICH APPLIED THE PRINCIPLE OF CONSENT TO JUDGE THE BARBARIC "EXPERIMENTATION" PERFORMED BY NAZI DOCTORS.

sponsored human experimentation (including non-radiation research), to assess the workings of the regulatory system implemented in the 1970s.

When the Committee began its work, some citizens expressed strong views about how to judge past practices of disclosure and consent. Today, Federal rules require prior review of proposed experiments, to ensure that all the relevant risks and benefits have been considered and that informed consent has been provided for. Many citizens, including researchers and scholars on the evolution of medical ethics, pointed out that today's standards were not in effect fifty years ago. Others countered that it is self-evident that no one should be experimented upon without his or her voluntary consent. Moreover, they pointed out, the plutonium experiments coincided with the Allied tribunal's 1947 promulgation of the Nuremberg Code, which applied the principle of consent to judge the barbaric "experimentation" performed by Nazi doctors.

To address these issues, the Committee plunged into the reconstruction of government programs, some

the archives of the Atomic Energy Commission (AEC). Secret memoranda dating from the AEC's 1947 reflections on the Manhattan Project experiments revealed that the principle of "informed consent" was, in fact, well understood in the inner sanctums of Cold War biomedical research programs. However, the documents also showed that the task of translating that principle into practice was repeatedly frustrated, both by the bureaucracy's view that it was entitled to protect itself and its numerous contractors against embarrassment and liability, and by the biomedical profession's view that requiring informed consent was an unneeded intrusion on its traditional role as protector of the patient.

It must be emphasized that the Committee found relatively few cases in which subjects of non-therapeutic experiments sustained injury. (It recommended that compensation be provided in all such cases.) The vast majority of experiments involved radioisotope "tracers" which were intended to measure bodily processes and, by definition, were administered in amounts

sufficiently small as not to perturb the processes being measured (i.e., to have an “acute” effect). At the same time, it cannot be gainsaid that longer-term risks, however small, were also present. The Committee could not determine whether any individual was physically harmed as a result of the plutonium injections; it did find evidence of kidney damage in some patients exposed to uranium. In some non-therapeutic experiments involving children, exposures were associated with an elevated (and unacceptable) lifetime risk of developing certain cancers. The greatest demonstrable harm was to uranium miners who remained subjects of government observational research during periods in which they were known to be experiencing excessive exposure to hazard. Several hundred have died of lung cancer that might have been prevented had the government insisted to government contractors that mines be ventilated, instead of choosing to continue the research as the risks mounted.

But, by and large, the story found by the Committee was one of the nation’s most trusted professionals—medical researchers, public servants, military officials—seeking to serve two critical and worthy purposes: safeguarding national security and advancing medical knowledge. The government and its researchers were, in the context of their times, aware of the risks that citizens were being subjected to and, with important exceptions, such as the uranium miners, sought to minimize the risk and prevent harm. However, while there were relatively few injuries, the Committee found that the government and its researchers typically failed to tell subjects that they were the subjects of experiments, and to ask for their consent. Although their ends were laudable, the government and its researchers in effect used patients, soldiers, and workers as guinea pigs.

The Historical Framework

The earliest human radiation experiments took place soon after the 1895 discovery of radioactivity, which was immediately recognized as a revolutionary tool for medicine, and, indeed, was tragically marketed as a patent medicine elixir. In the 1930s, campus gatherings of biologists and physicists yielded the birth of nuclear medicine, with atom smashers producing radioactive “tracers” that have been essential to understanding metabolic processes and diagnosing ills.

The Manhattan Project transformed this cottage research. Keenly aware that exposure to radiation had caused an epidemic of jaw disease among women who had been employed painting

The Landscape of Memory

Richland, Washington

Poet Debora Greger remembers growing up in the shadow of a nuclear weapons plant.

I grew up in a desert. A desert twice over, second-growth desert—the first settlers, ranchers and orchardists, were forced out by the government in the 1940s to make way for the biggest stateside secret of the war, the building of the Hanford atomic plant. The plant, though even its workers hadn’t known it at the time, made the plutonium for the bomb dropped on Nagasaki. The high school team was named the Bombers. The school ring had a mushroom cloud on it.

PHOTO: Carole Gallagher

My father had a security clearance. I didn’t know what he did for a living, just that he rode the bus out into the desert every day, like every other father I knew. At supper he’d tell us sometimes what he’d seen on the forty-mile trip—rabbits, deer, coyotes, goats gone wild. In winter the goats sheltered in a bank left standing where a town had been, the bank’s cement walls too thick to be flattened. Perhaps he told us about this because he wasn’t supposed to talk about his work.

I grew up in the wind. Wind in the cottonwoods of the shelterbelt, then in the walls of the house, or filling your clothes, bringing you dust. Tumbleweeds rolled through town, down the streets named for dead army engineers, up the ones named for the trees from some greener world. Past the schools named for white men who took that remote corner of the West from the Indians. Past the one named for their Indian guide, and the one for a chief they defeated without killing. Past the neon atom spinning above the Uptown Theater, “uptown” a wild dream, a single block of shops two blocks north of “downtown” and its small handful of stores. Past the bowling alley, the Atomic Lanes.

This is the landscape by which all others are found wanting. The bare hills—such extravagance of browns and grays. The silvery browns. The brassy, coppery, golden grays. The Bois de Boulogne, the hills of Umbria, even Seattle just over the mountains—too green, too many trees. The canyons of Manhattan—so much to see, you couldn’t see anything. Richland had more than enough sky. Wind was the landscape. It had swept out the past; the present was dust. I can almost taste it. The rain smelled sweetly of it. Even the snow was dusty. Even the dust, though we didn’t know it then, was radioactive.

Greger’s collection, *Desert Fathers, Uranium Daughters* is available from Penguin Books.



radium watch “glow in the dark” dials in the 1920s, researchers closely monitored the effect of radiation on Manhattan Project workers. This “clinical study of the personnel,” Manhattan project radiation researcher Robert Stone wrote in 1943, “is one vast experiment.”

When the War ended, bomb facilities were harnessed by the newly created AEC to produce radioisotopes for “human use.” By the mid-1950s these radioisotopes had been employed in hundreds, perhaps thousands, of human experiments, most conducted by universities and hospitals. This research, often noted in technical literature at the time, yielded enduring benefits in diagnostic procedures, therapies, and understanding. Practices that at the end of World War II were limited to a few dozen practitioners are now mainstays of modern medicine.

The Committee found that the AEC radioisotope program did address risk and safety issues, essential compo-

officials, each with their own set of competing interests and ethical concerns.

The AEC in 1947: Disclosure Mandated but Not Permitted

Despite the hypothesis shared by many of the Committee members—that our contemporary notions of informed consent had simply not emerged at the time of the experiments—it turned out that leading mid-century atomic energy officials and researchers were themselves attuned to the core issues of individual dignity and openness. For example, David Lilienthal, first chair of the AEC, declared in his 1946 Senate confirmation hearing that the government “must promote and protect and defend the integrity and dignity of the individual.” In communism, he explained with the strongest disap-

SECRET MEMORANDA DATING FROM 1947 REVEALED THAT THE PRINCIPLE OF “INFORMED CONSENT,” WAS, IN FACT, WELL UNDERSTOOD IN THE INNER SANCTUMS OF COLD WAR BIOMEDICAL RESEARCH PROGRAMS.

nents of ethical research, both at the national level and through local “human use” committees.

However, the radioisotope program’s protocol did not similarly address and provide for disclosure and consent. Prior to the onset of the Committee’s work this finding might not have raised eyebrows; broad Federal disclosure and consent rules were not issued until the 1970s, and historians of medical ethics believed that the principle of informed consent was not even in circulation at that time. However, long secret documentation revealed that the ethical question of “informed consent” was not only brought to the fore by the cascade of post-war government sponsored human research, but—behind closed doors—was the subject of acute attention by atomic energy officials and researchers. Indeed, it was in the context of this radiation research that many of the considerations we now take for granted, such as risk regulation and informed consent, were first articulated and debated.

Even then, of course, the basic considerations were not new. Whenever a doctor is also a researcher, a potential for conflict emerges between the advancement of science and the advancement of the patient’s well-being. The conflict is particularly acute in cases where, as in much biomedical research, there is little expectation that the research will be of benefit to the subject (that is, the research is nontherapeutic), though it ultimately may be of great social benefit. What was new was the scope and depth of medical research, and the context within which it was taking place: large, federally funded projects involving researchers, bureaucrats, and government

proval, the state is not limited by “ethical standards.” In 1947, a blue ribbon Medical Board of Review convened by Lilienthal declared that “secrecy in scientific research is distasteful and in the long run is contrary to the best interests of scientific progress. ... in so far as it is compatible with national security, secrecy in the field of biological and medical research [is to] be avoided.”

These public proclamations were put to the test, however, when the AEC was given responsibility for deciding what to do about previous and ongoing Manhattan Project experiments. In late 1946, for example, a report on the plutonium experiments was declassified. When the AEC began operations, however, the report was reclassified to “restricted.” A February 1947, memo—uncovered by a Committee staffer in a classified Oak Ridge, Tennessee, vault—vividly recorded internal AEC concerns:

The [plutonium research report] appears to be the most dangerous since it describes the experiments performed on human subjects, including the actual injection of plutonium metals into the body ... Unless, of course, the legal aspects were covered by the necessary documents, the experimenters and the employing agencies, including the U.S., have been laid open to a devastating lawsuit which would, through its attendant publicity, have far-reaching results (emphasis added).

In a November 1947 letter to the researcher Robert Stone, the AEC General Manager Carroll Wilson conveyed the Medical Board of Review’s conclusion that

"the matter of human experimentation" should remain classified where certain "conditions" were not satisfied. Wilson quoted from a preliminary unpublished and restricted draft of the Medical Board's report:

We believe that no substances known to be, or suspected of being, poisonous or harmful should be given to human beings unless all of the following conditions are fully met: (a) *that a reasonable hope exists that the administration of such a substance will improve the condition of the patient;* (b) *that the patient give his complete and informed consent in writing* (emphasis added).

This recommendation, also uncovered in the Committee's research, is remarkable on several counts. First, it revealed that, in the inner sanctums of government research, the AEC articulated a requirement for "informed consent" one decade prior to the first previously known use of the term (in a 1956 California court decision). Second, it showed that national security was never considered as an excuse for not doing the right thing, even in the immediate aftermath of World War II, at the inception of the Cold War. Both of these findings contradicted many people's original ideas about what may have motivated the key actors involved in these decisions.

Yet, if the principle of informed consent was regarded as compelling, the need to keep secrets was perceived as even more so. The plutonium subjects (and/or their families) were not told of the experiments until the 1970s, even as follow-up tests were conducted. (The vast preponderance of other subjects were not followed up at all.)

This same process—the simultaneous recognition of the applicability of a principle (in this case, the importance of disclosing relevant health information to affected citizens) and the inability or refusal to act accordingly—was behind the government's suppression of information regarding nuclear weapons workers and communities, as well as experimental subjects. A 1947 memo from Oak Ridge to AEC Headquarters put it:

Papers referring to the levels of soil and water contamination surrounding Atomic Energy Commission facilities, idle speculation on future genetic effects of radiation and papers dealing with potential process hazards to employees are definitely prejudicial to the best interests of the government. Every such release is reflected in an increase in insurance claims, increased difficulty in labor relations and adverse public sentiment.

Another memo from the same era cited considerations about the impact of such information on the morale of employees, the bargaining position of the unions, and the liability of the government and industry.

The Role of the Medical Profession

The AEC's response to the Manhattan Project experiments reveals the mainstays of the evolution of the principle of informed consent—now a bedrock principle of human subject research—and by extension, provides a fascinating case study in the nature of ethical progress. Leaders in radiation research were aware of the ethical questions involved in human experimentation. Some of them articulated principles of informed consent and openness in words of groundbreaking and enduring quality. Yet, these "modern" concepts coexisted with other concepts—concern for public image, and fear of limited public understanding—that also have a modern ring. When conflicts occurred, secrecy too often won out.

In the contest between these concepts the government was often not the sole, and arguably not even the main, actor. The medical profession played a critical role. By World War II, it was conventional for the military to seek consent where subjects were healthy soldiers. Doctors, too, recognized the need to gain consent before employing healthy subjects in non-therapeutic research. But as far as the doctors were concerned, if a previously established doctor/patient relationship existed, the age-old tradition of "beneficence" governed. To put it bluntly, once you got sick, you were fair game, at least if the doctor did not believe you were put at unreasonable risk. (It was, of course, this thinking that resulted in the cases, involving vulnerable individuals such as the terminally ill, institutionalized children, pregnant women, and prisoners used in the absence of perceived therapeutic benefit, that garnered the most public outrage in 1994.)

A researcher recalled his experience at Harvard in the 1950s: "Mostly, I'm ashamed to say, it was as if—and I'm putting this very crudely purposefully—as if you'd ordered a bunch of rats from a laboratory and you had experimental subjects available to you. They were never asked by anybody." Another recalled his experience at Moffett Hospital in San Francisco in 1956–57: "I'd find some patients in the hospital and I'd add a little ACH to their infusion and collect urine... I didn't consider it dangerous. But I didn't consider it necessary to inform them either." Researchers who did reflect on the implications of the Nuremberg Code assumed, as one put it, that it "was a good code for barbarians but an unnecessary code for ordinary physicians."

The 1947 AEC documents show that biomedical leaders close to the secret experiments recognized that it is no less unacceptable to experiment on an unknown patient than on an unknown healthy subject. Yet even after leading medical professionals realized this, they often failed to abide by it, and some actively campaigned against it. It was, perhaps surprisingly, the military that episodically sought to bring practices to norm.

On February 26, 1953, President Eisenhower's new Secretary of Defense issued a "Top Secret" memorandum

to the service secretaries that reiterated the principles of the Nuremberg Code, and required written and witnesses informed consent of research subjects. (This Korean War action is further striking evidence that—even at the height of the Cold War—the nation's top officials did not contend that national security needs nullify consent requirements.) But as late as 1961–62, the Harvard Medical School successfully beat back the Army's efforts to impose this restatement of the Nuremberg Code as a condition of Harvard's research contracts with the Army. Harvard's Henry Beecher, who would later emerge as a medical crusader for experimental subject's rights, argued that the relationship of doctor/patient trust and integrity of the researcher was the key to protection and that "rigid rules will jeopardize the research establishments of this country."

Medical profession conventions remained silent on protections for patient-subjects in experiments that offered no direct therapeutic benefit but that physicians believed posed acceptable risk. Ultimately, it was only repeated public scandal—such as the now infamous Tuskegee syphilis study—that led to the 1974 issuance of the regulations that require that proposed research be reviewed by "institutional review boards" to assure the safety (and scientific integrity) of research, but also the adequacy of disclosure and consent.

Fault Lines Continue to Emerge

The Committee concluded that it was wholly unacceptable for the government to conceal information from its citizens to avoid liability and embarrassment. It recommended that the government provide an individualized apology and compensation to surviving family in all cases where a coverup had taken place. In October 1995, on receipt of the Committee's report, President Clinton apologized to the families of the plutonium experiments, and to subjects and families of other experiments.

Since the Committee officially closed shop in 1995, there have been continuing revelations of malfeasance, particularly with regard to thousands of nuclear weapons workers and their communities. For example, a recently publicized March 11, 1960, AEC memo shows that top AEC biomedical officials recognized that "possibly 300 people at Paducah [Kentucky nuclear weapons facility] should be checked out" for neptunium contamination, but that there was hesitation to "precede to intensive studies because of the union's use of this as an excuse for hazard pay." In January 2000 a White House review of the epidemiological data concluded that weapons workers were, indeed, experiencing excesses of cancers and other ills. On January 31, 2000, *The New York Times* headlined: "U.S. Acknowledges Radiation Killed Weapons Workers; Ends Decades of Denials." In mid-2000, bipartisan legislation was introduced to compensate workers

and survivors who suffered from this legacy. And in September 2000, an investigative series in *USA Today* reported that beyond the still-unfolding story of coverup and harm at the large well-known government-owned and contractor-operated weapons sites (such as Oak Ridge), lies the hitherto untold story of deceit and neglect at numerous long closed and forgotten facilities owned and operated by contractors.

Even once the historical accounting is finally settled, the larger issues identified by the Committee will continue to require vigorous attention. As the Committee's review of ongoing research (including non-radiation research) revealed, many of the issues that emerged in the context of radiation research resonate in today's ongoing debates and headlines. The Committee, for example, found too few resources devoted to oversight. Now, news reports of deficiencies at major research institutions have caused the review and shakeup of Federal oversight bureaucracies. The Committee found that left to its own devices, the biomedical community did not provide adequate disclosure and consent. Now, press investigation indicates serious conflicts of interest in subject selection in research funded by drug companies, which is not subject to direct Federal disclosure regulation. The Committee found serious deficiencies in research where the interest of patients and doctors in breakthroughs may lead to undue researcher optimism (as in novel cancer treatments). Revelations regarding genetic experimentation are now the subject of official concern and attention.

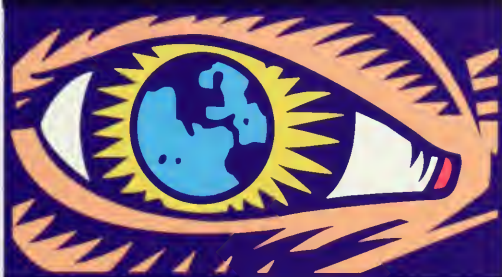
It is important to understand, particularly given today's cynicism about government, that the government led in the recognition of the ethical principles involved in the radiation experiments. In addition to the early articulation of informed consent, the AEC pioneered the institutionalization of risk regulation in human subject research. However, while government leaders pressed their principles into policy in some cases, they failed in others. At the same time, the biomedical research community did not itself insist on a principle of consent that was, as we have seen, well within its grasp. The consequences have been lasting, and not only for the patients. As the Committee found repeatedly during the course of its public hearings, even in those cases where the government and researchers did act responsibly, affected citizens testified with passion that they did not find their government credible. 

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Going Global:

How America's Civil Rights Struggle Can Help Itself by Helping the World

by Gay McDougall



THE MOVEMENT FOR RACIAL justice and equality in this country is now being presented with a unique opportunity to "internationalize": the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The World Conference Against Racism is being hosted by South Africa, a fitting venue for a global discussion on new and effective approaches to combating racism. The conference will take place from August 31 to September 7, 2001.

This conference will be more than just a one-time event. It is a global process that civil rights organizations and social justice groups in the United States can contribute to and benefit from in a number of ways. U.S. groups can contribute their expertise and experience, particularly in the area of civil rights advocacy and litigation. At the same time, U.S. groups can bring international attention to the problems we continue to face in this country—from hate crimes, racial bias in the criminal justice system, de facto segregation in public education and residential patterns, to environmental racism and xenophobia.

The U.S. government's record on racism is being held up to scrutiny, and U.S. policies on such important

"Once our freedom is lifted from the civil rights label to the level of human rights, then our struggle becomes internationalized."

—Malcolm X

matters as affirmative action, reparations and hate speech are being examined for the degree to which they are in compliance with international standards. Groups that participate in the World Conference Against Racism process will be able to monitor the commitments that the U.S. government makes in international forums. They will also be able to form international, regional and national networks with other groups engaged in the fight against racism.

The main themes on the agenda of the World Conference Against Racism were determined by government representatives at a United Nations meeting in May 2000, with considerable input from non-governmental organizations. The agenda, discussed in more detail below, will be further developed in subsequent meetings. While the U.S. government will attempt to downplay certain controversial or sensitive topics, many NGOs will seek to place all the relevant issues on the World Conference agenda.

U.S. groups will not be the only ones pushing for affirmative action, reparations, environmental justice, or criminal justice reform. These are, in fact, international issues and national priorities for the marginalized and the disenfranchised in many regions of the world, such as, Brazil, India, Nigeria, the United Kingdom and elsewhere. Native Americans in this country and aboriginals in Australia and New Zealand will put forward their claims to cultural and land rights at the World Conference Against Racism. Racial minorities in the U.S. can join racial minorities in Spain and Sri Lanka in demanding equal access to education and employment. Racist immigration policies in the U.S., Europe, Australia, and Asia will be challenged through the World Conference process, as well as institutional racism in corporate America and in the global economy.

Perhaps the most important opportunity of the World Conference Against Racism is to make visible those groups and communities who are impacted by racial discrimination but who are, for the most part, "invisible," both outside and within their countries and regions. The descendants of African slaves in countries such as Columbia, Uruguay, and other parts of Latin America, the Roma (or Gypsies) in Central and Eastern Europe, and the Dalits in India, are some of the victims of racism who have received relatively little attention in the past. The World Conference will provide a forum for their issues to emerge onto the international

agenda, and assume greater prominence and urgency both internationally and domestically.

For the U.S., the World Conference Against Racism challenges us to be both inward and outward looking, to be candid and forthright about our problems, to be willing to learn from the experiences and practices of other countries, and to be specific and action-oriented in our plans for the future while coming to terms with our history. If it is to take the World Conference and its objectives seriously, the U.S. government will need to examine a number of controversial and complex issues.

For example, under the first theme on the World Conference agenda—"Sources, Causes and Contemporary Manifestations of Racism"—the legacy of slavery and colonialism is an unavoidable issue that must be addressed by the U.S. and the global community. The issue of unequal economic development and the impact of economic globalization will also feature prominently in the World Conference discussions, as will other "hot button" issues, including discrimination on the basis of skin color (or "white-skin privilege"), criminalizing hate speech, and issues relating to racial bias in the criminal justice systems, such as racial profiling, sentencing disparities and police brutality.



U.S. GROUPS CAN BRING INTERNATIONAL ATTENTION TO THE PROBLEMS WE CONTINUE TO FACE IN THIS COUNTRY

The second theme on the World Conference agenda—"Victims of Racism"—will be an opportunity to consider the racial dimensions of problems that are usually analyzed within other paradigms: for example, ethnic conflicts in Bosnia or Rwanda; denial of the rights of indigenous populations, including Native Americans; and the unique experiences faced by women suffering discrimination based on gender compounded by race.

The third theme on the World Conference agenda refers to "measures of prevention and protection against future acts of racism and racial discrimination." This is the forward-looking segment of the agenda. Having identified the root causes of racism, the question here is how to engineer a society that does not generate the conditions for racism in the future. An important part of this discussion will be addressing inequalities with respect to economic rights, an issue that the U.S. government consistently fails to acknowledge, particularly in international forums. The United States has expressed no intention to ratify the International Covenant on Economic, Social and Cultural Rights, which obligates governments to take steps to ensure all persons the right to an adequate standard of living, such as adequate housing, food and health care. The U.S. government will be called upon to address the

fact that people of color are disproportionately among the economically disadvantaged in this country. It is hoped that this theme will also include a lively and creative discussion of positive ways to use the Internet and media.

Under the fourth item on the World Conference agenda—"remedies, recourse and redress for racism"—issues such as reparations and affirmative action promise to be at the center of debate and political controversy. Importantly, both reparations as a form of redress for gross violations of human rights, and affirmative action as a "special measure" to secure the adequate advancements of certain disadvantaged groups are recognized tenets of international human rights law. The World Conference Against Racism will challenge the U.S. government to face these issues head-on. There is a great deal to be learned from how other countries have approached and dealt with these issues.

Finally, the fifth theme on the World Conference agenda deals with strategies to strengthen the capacity of international organizations, such as the United Nations and the Organization of American States, to play a constructive role in eliminating racism worldwide. The U.S. government will need to examine its past

and current level of compliance with international human rights standards against racism. The U.S.

government has ratified only four of the major international human rights treaties: the International Convention on Civil and Political Rights, the Convention Against Torture, the Convention Against Genocide, and the International Convention on the Elimination of All Forms of Racial Discrimination ("Race Convention" or "Convention").

The Race Convention, ratified by the U.S. in 1994, is a cornerstone of the World Conference Against Racism. The Convention obligates the U.S. to (a) refrain from actions that create or perpetuate patterns of racial discrimination in law or practice, (b) prohibit discrimination by any private person, group or organization, (c) adopt and enforce criminal sanctions for racist speech or membership in racist organizations, (d) guarantee to everyone equal enjoyment of their civil, political, economic, social and cultural rights, (e) institute affirmative actions, policies and programs when warranted, and (f) ensure effective protection and remedies against any acts of racial discrimination. Countries that have ratified the Convention must submit a periodic report to the United Nations Committee on the Elimination of Racial Discrimination (CERD), which oversees compliance with the treaty. The reports are then used by CERD to assess the degree to which the governments have met their obligations.



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Unfortunately, when the U.S. government ratified the Convention, it attached a number of reservations, understandings and declarations (RUDs) to the treaty, in an effort to limit the extent to which the treaty might expand the rights of racial minorities under existing U.S. law and to foreclose access to U.S. courts to enforce those rights. In addition, the U.S. government has not accepted the jurisdiction of CERD to hear individual complaints of racial discrimination, pursuant to Article 14 of the Convention. In connection with the World Conference, the United States will be called upon to review and remove all RUDs taken to the Convention, as well as to accede to Article 14, accepting CERD's jurisdiction to address complaints from American citizens alleging that they are victims of the failure of the U.S. government to fulfill its obligations under the Convention.

To its credit, the Clinton Administration demonstrated an important level of commitment to meeting its human rights obligations by issuing an Executive Order on the Implementation of Human Rights Treaties. The Executive Order created an Interagency Working Group to coordinate implementation of treaty obligations, to develop plans for outreach and education, and to direct an annual review of RUDs entered by the U.S. to human rights treaties.

The Clinton Administration also gave the World Conference Against Racism heightened importance and stature by moving the locus of conference planning into the Office of the White House Deputy Chief of Staff, and by establishing the White House Task Force on the World Conference. The Task Force convened a number of meetings around the country to inform Americans about the conference and to sample public opinion on each of the themes on the agenda of the World Conference. However, more outreach efforts are needed to ensure that the American public is made aware of the World Conference and given the opportunity to contribute to the development of U.S. policy with respect to the conference.

The U.S. will be a major player in the World Conference Against Racism through its role as an influential member of the United Nations and through its historical and current practices (both positive and negative) dealing with race-related issues. This country has a lot to offer the world through the World Conference process. U.S. anti-discrimination legislation is among

the most comprehensive in the world, prohibiting discrimination by public and private actors in housing, employment, education, voting and access to public accommodations. The U.S. also has a vibrant, extensive and sophisticated NGO sector, as well as national institutions that can provide a model for establishing or improving similar institutions in other countries.

For the U.S. to make substantial contributions to the global campaign against racism, and for it to expand its own repertoire of effective strategies to eliminate racial discrimination, it must fully engage in and support the World Conference Against Racism. The U.S. government should send prestigious individuals as its delegation to the World Conference and preparatory meetings. The delegation should include both government and non-government members who have demonstrated expertise in combating racism. At the World Conference, the U.S. should push for all governments to make specific commitments and set measurable goals for actions they will take to eradicate racism and racial discrimination within their countries.

The World Conference process can be a major step toward bridging the gap between the movement to combat racism globally and what we refer to here as the U.S. civil rights movement. If it is taken seriously and pursued with commitment and a willingness to take important yet controversial issues head-on, the World Conference Against Racism can add new momentum to the movement for racial justice and equality in the U.S. ☐

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If you would like to receive a copy of the International Human Rights Law Group's "Combating Racism Together: A Guide to the UN World Conference Against Racism" or "The Report of the Bellagio Consultation on the World Conference Against Racism" (both available in English, Spanish, French and Portuguese), please visit the website of the International Human Rights Law Group at: www.hrlawgroup.org. Or send a written request to: Alison N. Stewart, Special Projects Coordinator, International Human Rights Law Group, 1200 18th Street, NW, Suite 602, Washington, DC 20036. Fax: 202-822-4606. Email: AlisonS@HRLawGroup.org

PUTTING A LOCK ON JUSTICE

by Carl M. Cannon

THIS AUTUMN, earlier than expected, the United States attained the dubious milestone of having put behind bars some 2 million of the people living within its borders. This is twice the number of a decade ago, and the end is not in sight. The incarceration rate is still increasing yearly.

The trends fueling this upsurge are not an explosion in crime, which declined markedly in the decade of the 1990s to pre-1970 levels, but rather the enactment, in a piecemeal fashion, of a vast array of state and Federal legislation that constituted nothing less than a radical overhaul of the nation's myriad criminal justice systems.

These changes started on the street, where a doctrine known as "community policing" gave way to a less sentimental method known in law enforcement circles as "pro-active" policing. This no-nonsense approach, implemented most famously in New York City, is the cops' answer to James Q. Wilson's famous "broken window" theory of crime prevention. Under this theory, pro-active police do not ignore broken windows, or loitering by suspicious-looking young people—or jaywalking, for that matter. Typically, those seen as potential troublemakers—and race has often been shown to be a factor in who gets stopped by the police—are detained and frisked. The illegal weapons that turn up in such pat-downs no longer result in the weapon merely being confiscated, but in felony charges against the offenders.

In the courts, the changes of the last 15 years are even more sweeping.

Those legislatively mandated changes include "mandatory minimum" sentences for an array of offenses, including firearms convictions and drug cases; the adoption of "truth in sentencing" statutes, which lengthens the minimum a prisoner must serve; the virtual abolition of parole in many states; longer prescribed prison sentences for most felonies; the systematic lowering of the age juveniles can be tried as adults; and, finally, a proliferation of "three strikes and you're out" laws. These measures, all pursued under the banner of fighting crime, were enacted by legislatures from Maine to Alaska and ratified by governors as conservative as Republican John Sununu of New Hampshire and as liberal as Democrat Ann Richards of Texas. Likewise, the



Federal versions of these laws passed Congress whether Democrats had control or whether Republicans were in the majority. They were signed into law by Ronald Reagan and George Bush; they were signed into law by Bill Clinton as well. In the election of 2000, neither Vice President Al Gore, nor Texas Governor George W. Bush ever raised their voices in any opposition to the nation's rush to incarcerate. Quite the contrary, both enunciated their support for it and, when discussing crime, advocated policies that would add to it.

Because this is an election year, a great deal of attention has been focused in recent months on the Texas

THE HIDDEN COSTS OF DISPROPORTIONATELY INCARCERATING MINORITIES



Handcuffed black man at police station, 1947.

CORBIS PHOTOS

**THE INCARCERATION RATE IN
AMERICA DOUBLED IN THE
1980s—AND THEN DOUBLED AGAIN
IN THE 1990s.**

death penalty system. That spotlight appears to have lessened public support for capital punishment, albeit only slightly. But its real value may have been that it shed some light into the shadows of the rest of the criminal justice system, the vast majority of which deals with non-capital cases. And the picture it illuminated wasn't pretty. During the furor over the Gary Graham execution, for example, it was disquieting to learn that even in a case that threw the Bush campaign off its game and generated international interest, the Texas parole board didn't bother to meet in person before faxing—*faxing*—in its 19-0 decision not to intervene. It doesn't take much imagination to envision the level of scrutiny this parole board gives to clemency requests in non-capital cases. Indeed, the utter lack of interest authorities display in determining who among their inmates are worthy of release appears to be the norm everywhere:

- In Virginia, under the administration of two Republican governors, George Allen and James Gilmore, the state has all but eliminated parole for new inmates. Virginia's parole board has, in fact, applied this law retroactively as well—even in the face of statutory and judicial mandates that it not do so. In practice, inmates with perfect records routinely see their petitions for parole dismissed with the vaguest and most general language: "Board needs to see further development to warrant parole," or "Release at this time would diminish seriousness of the offense."
- In California, Gov. Gray Davis has gotten crosswise with his state's Supreme Court by thumbing his nose at the state's parole provisions and simply forbidding his state's Board of Prison Terms from ever releasing any inmate convicted of homicide.

It is instructive to note that in doing so Governor Davis is carrying out a campaign pledge he made when he ran for office, a fact that underscores the popularity these law-and-order measures have with the voting public. These policies are cheerfully carried out by elected prosecutors—and ratified on a daily basis by juries. The stray Federal judge protests here and there at the lack of discretion trial judges are accorded under the law, but the Supreme Court has not put the brakes on any of it and the harsh approach to law-and-order scores well in nearly every public opinion poll done on the subject.

The upshot is that after holding relatively steady for half a century, the incarceration rate in America doubled in the 1980s—and then doubled again in the 1990s. As the United States enters a new millennium in an era of unprecedented prosperity, it is the midst of an incongruous boom in prison construction. The boom has produced a new industry, privately owned prisons, and a new force in American politics: the prison guards unions. Perhaps most serious, the quadrupling of the incarceration rate has also worsened one of the most depressing legacies of racism in this nation, the historical disparity in ethnic makeup of the prison population. In state and Federal prisons, African Americans, who constitute 12 percent of the nation's population, comprise 48 percent of the inmate population. Latinos make up 19 percent of those in prison, more than twice their numbers in society. Among the nation's approximately 400,000 jail inmates, the numbers are only slightly less disproportionate.

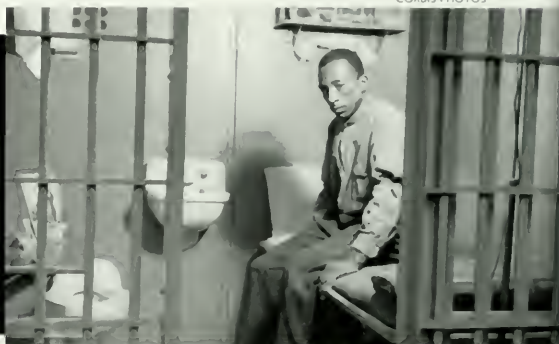
The Disproportionate Impact

In the 19th century, Southern legislatures deliberately tailored the law so that statutes considered to be those most likely to be violated by blacks were those that carried added sanctions, such as forfeiting the right to vote or to bear arms on release from prison. At the dawn of the 21st century, disparities in the treatment of white and black defendants are documented at every phase of the criminal justice system from arrest through parole.

The most well-known example, the penalties for crack cocaine, was denounced almost as soon as it became apparent that it was an unintended consequence of the 1986 crime bill. (Blacks disproportionately use cocaine in its crack form; whites in its powder form.) And yet, despite acknowledgment from the bill's authors of its awful price among black offenders, despite the fact that the U.S. Sentencing Commission recommended in 1995

CORBIS PHOTOS

PRISON SENTENCES ARE NOT ONLY LONGER, BUT STATE AND FEDERAL GOVERNMENTS HAVE ENSURED THAT THE TIME IS HARDER TO DO AS WELL.



Prisoner at Rikers Island.

In defense of such numbers, law and order advocates make two broad assertions:

First, they insist as an article of faith that the rise in incarceration is directly responsible for the current, seven-year downward trend in violent crime in this country. Certainly the voting public subscribes to that view, and their elected officials follow suit. Second, in response to the racial dimensions of this issue, the architects of the incarceration boom maintain that since minorities are disproportionately the *victims* of crime, policies that remove perpetrators from the street do a tremendous service to the minority community.

Both of these claims appear to have a straightforward logic to them, but almost none of the nation's prominent criminologists believe that the equation between the incarceration rate and the crime rate is that simple. And even if there is some truth in the second point, there are also associated costs to a national policy that locks up such a disproportionate number of blacks and Hispanics. It is past time for the nation's policy-makers to openly acknowledge these costs and to begin a serious discussion of some remedies.

that it be rectified, despite promises from both Democrats and Republicans that it would be fixed, the law remains that it takes 100 times as much powder cocaine as crack to get the same—mandatory—prison sentence in Federal court.

Law and order hardliners, even while admitting the law is unfair, say that the crack-powder disparity is an anomaly. But it isn't. The government's own statistics suggest that blacks comprise 13 percent of the nation's illegal drug users, which is about right, considering they are 12 percent of the population. But they constitute 38 percent of the drug arrests and 59 percent of those convicted of drug crimes. And the average sentence in state courts, where judges have wide latitude, is 27 months for white defendants and 46 months for blacks. Given that 60 percent of all inmates serving time in Federal prison are drug offenders—up from 25 percent in 1980—and that the racial disparities are only getting worse, is it any surprise that increasing numbers of citizens view the "war on drugs" as a war on blacks?

"These racial disparities are a national scandal," said Ken Roth, executive director of Human Rights Watch, an

international human rights organization. "Black and white drug offenders get radically different treatment in the American justice system. This is not only profoundly unfair to blacks, it also corrodes the American ideal of equal justice for all."

It's not only the drug war that is having a disproportionate impact on blacks and Hispanics. Testifying before a House subcommittee on May 11, 2000, John R. Steer, vice chairman of the U.S. Sentencing Commission, painted a stark picture of what impact the nation's "mandatory minimums" have on minorities. Since 1993, the percentage of mandatory minimum cases in which the defendant is white has decreased from 30 percent to 23 percent. But Hispanics have experienced an increase from 33 to 39 percent—roughly the same percentage as African Americans. And while the percentage of black defendants has evened off for the last three years, they are also much more likely to receive the harshest categories of those mandatory minimums. For cases in which there is a 20-year mandatory minimum term, blacks were the defendant in a stunning 60 percent of the cases. That's a long time away from home.

The Cost to Families

On August 30, 2000, the U.S. Bureau of Justice Statistics released a study showing that some 1.5 million children had at least one parent in a state or Federal prison in 1999, an increase of 60 percent since 1991. Half those children are black. The criminal justice system, of course, makes no provisions for those kids, even those who have single moms as parents and even when those mothers are incarcerated for long stretches of time for "victimless crimes," such as drug possession. (The \$30 billion omnibus crime bill passed by Congress in 1994 and signed by Clinton contained money for a prison facility that was supposed to house inmate mothers with their infants and toddlers. It has never been built.) Thus, state and local social agencies are supposed to assume the burden. But they aren't. In Louisiana, the state with the highest incarceration rate in the country, Judy Watts, president of Agenda for a New Orleans child advocacy group, says those agencies are simply overwhelmed by the needs of children with parents in prison.

"These are children who need very careful attention and nurturing, and unfortunately, they are often not getting it," she said. "The government is sending these people away to prison, but the government is not picking up the slack for their children in any way whatsoever."

To be sure, some of these children are better off without violent or drug abusing parents in the household, but as Julie Stewart, founder and president of organization called Families Against Mandatory Minimums, points out, if the federal government is going to be so aggressive in removing these parents from society—for drug

crimes—it ought to concern itself with the wreckage it leaves behind in the form of shattered family groups. Keeping these family units in contact, providing mental health benefits for the family members, counseling and mentors for the children, and offering services to re-integrate the family upon the release of the parent—all these obvious needs are not being addressed on a Federal level. "Congress is so very shortsighted," Stewart laments. "The entire emphasis is on taking people off the street and incarcerating them. The children are always forgotten."

Those are the effects of laws passed by Congress and signed into law by President Bush and President Clinton. And while it never pays for a politician to be seen as "soft" on crime, to the little ones whose lives are turned upside down by such draconian sentencing laws, the world can seem unforgiving indeed.

"President Clinton, can you please talk to the judge...?" implored 11-year-old Crystalle Jada Warren in a recent letter. "If he goes to jail for a long time, I'll never get to spend any time with him again."

Nine-year-old Emerson Chamberlain also sent a missive to the White House. "My Dad is in jail and my family needs him home," the boy wrote. "My little baby brother needs his Dad and so do I."

The most poignant cases of all are those where single mothers fall victim to drug prosecutions, often for doing the bidding of a husband or boyfriend in the drug trade. One such defendant, Monica Clyburn of Sarasota, Fla., had four children, none of whom has any recollection of their mother not being behind bars. They live with their maternal grandmother an hour-and-forty-five minute drive from the prison. The oldest, Crystal, cries herself to sleep nights. The mother was sentenced to 15 years under a Federal mandatory minimum for gun possession, although she was actually caught *pawning* a gun that had never been used and which she swore was her boyfriend's. The U.S. Attorney in Tampa, Florida, asserted two years ago that she never made that claim at trial; a sentencing transcript proves him wrong.

"God has been good to us," Monica's mother Naomi told me, "but I do know that these children need their mom."

All of these hardships on the families of convicted felons, of course, are exacerbated by a growing practice in modern American jurisprudence: the exporting of prisoners from one state to another for the simple expediency of prison space—often private prison space built for the express purpose of making a profit. The most egregious example of the capriciousness of this system is right in the nation's capital. With the gradual closing of Lorton Prison, located in nearby Fairfax County, Va., convicts from Washington, D.C.—almost all of whom are black—are now simply processed into the federal prison system, some ticketed to do their time as far away as New Mexico. It is a policy that seems calculated to sabotage the bonds between inmates and their fam-

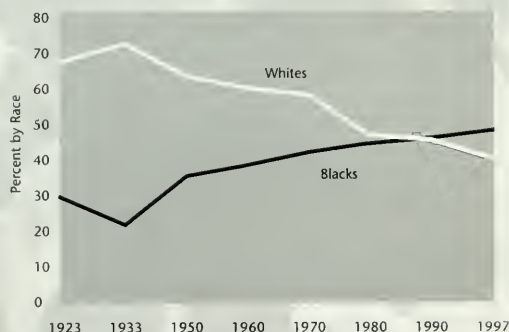
Figure 1. Incarceration Rates, United States, 1925-97
Number of inmates sentenced under State and Federal jurisdictions per 100,000 residents



SOURCE: National Institute of Justice.

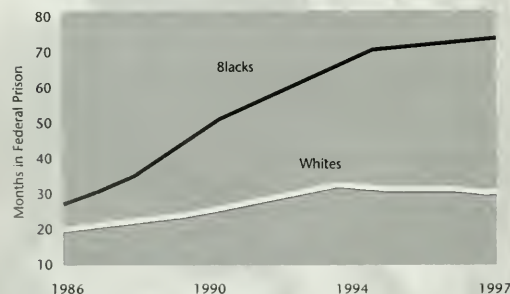
NOTE: In 1996, the breakdown by race and ethnicity was as follows: 195 incarcerated per 100,000 for whites; 675 per 100,000 for Hispanics; and 1650 per 100,000 for blacks.

Figure 2. Characteristics of persons in State and Federal prisons by race, 1923-97



SOURCE: National Institute of Justice.

Figure 3. Federal prison sentences by race, 1986-97



SOURCE: The Urban Institute.

NOTE: Analysts say the growth in the disparity is primarily due to the crack/powder cocaine penalty gap.

ilies. "If you're going to lock people up, lock them up in their communities," says Todd Clear, a criminologist at John Jay College in New York. "They're close to their families, and it's easier to transition them back into the neighborhood."

The Cost to Neighborhoods

Professor Clear is one of the most prominent criminologists in this country to have begun to document some of the negative effects of the wholesale removal of young males from African American communities. Law-and-order advocates point out that when chronic offenders are taken away from a community, that community is spared the considerable costs that their future crimes would have exacted on business, homes and individuals. This is not a trivial concern, to be sure, but it is not the whole story.

One flaw to the throw-away-the-key model is that society doesn't really throw away the key forever. When offenders are released from prison, they often return to their home communities, and do so without increased skills—if anything, their skills and work habits have atrophied in prison—and with chips on their shoulders.

"Take the re-offender," says Delray Beach, Fla. police captain William McCollom. "Ideally someone serves their time and is able to return to the whole," he says. "But we know that is not happening." Instead, the ex-con returns to a blighted community where his job prospects are compromised and where his reputation is tarnished.

New laws have only made this problem worse. The 1994 crime bill ended the practice that allowed Federal prisoners to qualify for Pell grants so they could take college courses behind bars. This may be one of the more self-defeating bills Congress has ever passed.

"Every single study shows that the more education you have, the less the crime," says Marc Mauer, assistant director of The Sentencing Project, and author of *The Race to Incarcerate*. "So what do they do? Cut education for inmates." This is typical of the incarceration boom: Prison sentences are not only longer, but state and Federal governments have ensured that the time is harder to do as well. And despite claims from its law and order defenders that rates of recidivism would decline as prison life became harsher, the exact opposite appears to be happening.

But even if the net impact were positive, Professor Clear has shown that when large groups of young men are removed from their communities, it leaves a gap in those communities even if those men were committing crimes. "It changes the structure of the neighborhood," he says. "Imagine a place with no men. The people in the community lose all the things that men do. Crime, yes, but the good things, too."

Typically, the loss of the male adult requires a woman and her children to change housing, usually moving to a more crowded accommodation. This often necessitates changing schools. It often leaves an income gap, as these men, even those actively pursuing crime usually have some sort of part-time employment or off-the-books income, income they share with the kids in the family unit. "The men sent to jail usually have done a lot of bad things in the previous year," Clear says. "Most of them have done a lot of good things, too. When you incarcerate, you are taking away the bad as well as the good."

A model attracting a smattering of attention in this country holds that these men must be seen as community "assets" instead of community burdens. Under the umbrella term "community justice," various localities are experimenting with ways to implement this theory, ranging from diversionary drug-treatment clinics to requiring men to perform restitution or community service in lieu of warehousing them in a far-away jail cell.

In the meantime, black and Latino mothers across this country have instituted a poignant ritual that has no name: Saturday sessions where children are brought to the jail to receive advice or even discipline from their father or father figure. In this way, do the women left to fend for themselves during the incarceration boom do their part to try and keep their communities together. (And these, as we have seen, are the less unfortunate ones: Many relatives now face cross-country trips they can make only a few times a year.)

The Cost to the Nation

In the process of implementing its drug war and incarceration policies, the Federal government has sent a harsh, if unintended, message, to poor Latino and black males in this country. That message is blunt: We kind of expect that you will rotate through the criminal justice system at some point in your early lives. But evidence mounts that this is society's self-fulfilling prophesy. In minority neighborhoods ranging from Latino barrios of San Jose, Calif., to all-black enclaves in West Baltimore, prison holds no stigma for the simple reason that so many of the young men from the neighborhood end up there. The Southern California-based Mexican Mafia is, in fact, a *prison* gang that operates on both sides of The Wall and whose members wear tattoos that constitute a kind of human graffiti announcing that they've been to prison—or expect to go when they are older.

"I've talked to many kids, and they tell me that going to prison is like going into the Army was for the previous generation," says Barry Krisberg, president of the San Francisco-based National Council on Crime and Delinquency. "Prison doesn't scare them because almost everyone they know has been to prison."

Other impacts affect us all. What is to be made of the fact that of a voting-age population of less than 11 million, something like 1.5 million blacks have lost the franchise? Or that the Federal government's statistics for minority unemployment have become skewed to look more favorable than they really are because those behind bars are not counted? Even on a strictly cost-benefit analysis, our incarceration policies have become self-defeating.

Changes Are Needed

Asserting that racial bias "infects" every state of the criminal justice process, the National Association of Criminal Defense Lawyers has targeted five specific areas that need changing. The reforms they advocate start with curbing the disproportionate number of minorities improperly stopped by law enforcement officials on a pretext or on some overly-broad, generic "profile" basis. They end with a call for "determining the appropriateness" of death penalty statutes meted out disproportionately to blacks. Until such reforms are addressed, the United States can expect to reap what it is sowing in the minority communities. That crop includes:

- Hundreds of black and Latino neighborhoods where large numbers of the men cannot vote and have no political clout.
- A common perception among African Americans that police departments are a hostile force, with their own rules of conduct, and that those rules allow for quicker arrests and harsher use of force against blacks.
- A whole generation of black and Latino boys who lack role models in their own households or neighborhoods.
- The fact that these boys must make the intellectual choice between believing that a) their father is a problem or b) the criminal justice system is a problem.

"Which do you think they choose?" asks Professor Clear. "That one is a no-brainer." ☐

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Charitable Choice: The Way Ahead

by Richard Cizik

"SINCE WHEN IS RELIGION a human right?" remarked an Assistant Secretary of State for Human Rights to President Jimmy Carter. This revealing of a blind spot occurred in the late 70s, when religion was not considered a significant factor in foreign policy. Some of that ill-informed skepticism about religion still persists; it confronts an already successful initiative of civic cooperation between government and faith-based groups which is occurring under "charitable choice" welfare legislation. We hope that opponents will gradually recognize the merits and tremendous potential of charitable choice.

Charitable choice, since 1996 in Federal law and in practice in the states, recognizes a civil right of welfare beneficiaries to choose "religious" or "secular" social service providers. Wherever government is funding charitable choice programs of social service providers there is no longer to be discrimination against faith-based organizations.

Recently the constitutionality of such a greater-choice concept has, I believe, been reinforced by the four-justice plurality opinion of the Supreme Court in *Mitchell v. Helms*. Speaking for the plurality, Justice Thomas emphasized the "choice" of the beneficiaries: "Where, as here, aid to parochial schools is available only as a result of decisions of individual parents no imprimatur of state approval can be deemed to have been conferred on any particular religion, or on religion generally." In this case, state provision of equipment was given directly to public and private secular and religious schools based on the neutral test of the number of pupils, which in turn was based on school choice by parents. The result of the case was expressly not made dependent on whether the provider was or was not "pervasively sectarian," or whether benefits to those helped were direct or indirect.

The Federal charitable choice statute does contain limits designed to pass constitutional muster with the Supreme Court. The services provided may not include proselytizing or support of houses of worship. Beneficiaries must be free to decline to patronize religiously based social service providers and to choose a secular alternative. Certainly the charitable choice concept received a

ringing endorsement in the *Mitchell* plurality's rationale, and while the concurring opinion of Justices O'Connor and Breyer expressed some reservations, they concurred in the judgment of the Court that computers could be loaned directly to pervasively sectarian schools. Those who might attack charitable choice in the courts should "see the handwriting on the wall." Whether a social service provider receiving public funds is "pervasively sectarian" is rapidly becoming constitutionally irrelevant.

Despite inclusion in the Bill of Rights in the very First Amendment, it is uncomfortable for some strict separationists to see religious rights as "civil rights" when equality of access to government assistance is involved. Yet the most important of any of the civil rights of citizens, including those on welfare, is freedom of religion—our First Liberty.

We're being forced by innovative approaches to public welfare to think afresh about rights. Doing that is what Catholic theologian Richard John Neuhaus has termed "the greatest challenge for the next century." The community of conservative believers—Catholic, Protestant and Jewish—have already been undergoing a philosophical shift. For example, some decades ago the general director of the National Association

of Evangelicals (NAE) sat on the board of what is now Americans United for Separation of Church and State. Then any form of aid benefiting "parochial" schooling was anathema to most evangelicals. But then the Christian school movement prompted a change of heart. And a few years later the use of government assistance to attend seminary was upheld as constitutional in *Witters v. Washington Dept. of Services for Blind*. Now both government, and groups of believers of different faiths, are eager to cooperate in providing social services.

This summer a concern for assuring justice and equality under law led the fifty-one denominations of NAE to endorse the concept of "charitable choice." Why? The decades-long push for rigid "separation of church and state"—with restrictive public school and welfare regulations—has tended to curb the civil rights of individuals and groups to practice their faith. No one in his right mind wants to make faith-groups, or their clients,

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Charitable Choice: A Very Bad Idea

by Barry Lynn

IN THE SEQUEL to the hit film "Jurassic Park," the scientist played by Jeff Goldblum watches dinosaurs being loaded on a ship to take them to the United States and bemoans: "This is the worst idea in the history of bad ideas." That was fiction. In fact, "charitable choice" may be the worst idea in modern political history, notwithstanding its bipartisan appeal and "feel good" attributes. Essentially, this construct allows tax dollars to flow through the Federal government or state block grants directly to houses of worship or other religious institutions for various social outreach missions.

Using the prototype of "charitable choice" found in the 1996 Welfare Reform Act, the approach notes that the faith group receiving the funds may use them "without impairing [its] religious character" but cannot use the dollars for "sectarian worship, instruction or proselytization." On its face this sets up a massive contradiction and a hopeless misunderstanding of the nature of the church and many other religious entities. First, the church is inherently evangelical, existing first and foremost to spread a religious, salvific message. Second, the church operates best as a voluntary agency, supported by the choices of those who believe in its mission. Yet these character-defining attributes are ignored by a program that thinks the spiritual goals of an agency, inextricably woven into all its work, can be temporarily subsumed when public dollars hit the collection plate. On the other hand, if they are not, then funds paid as taxes go to what the Supreme Court has labeled "pervasively sectarian" institutions and violate a core constitutional principle of separation of church and state.

Why do religious institutions set up programs for the hungry or those wrestling with drug or alcohol abuse instead of simply letting people know of secular programs down the street? They do so because they believe that they can add an important element to the secular, a spiritual component that may make all the difference in the world. However, a raft of Supreme Court decisions make it quite clear that it is unconstitutional for governments to advance a religious mission. Funding arrangements are

carefully scrutinized because very few things could advance such a mission more than paying for it. To determine the "pervasiveness" of religion, courts look at factors such as: the proximity of the program to a house of worship, the presence of religious symbols in the facility in which the program operates and any religious duties that the program administrators also perform. In the "charitable choice" model, these factors are labeled as part of the "religious character" that need not change. For me, these are some of the very factors that doom such programs under the extant constitutional standard.

Matters just get worse in examining another peculiarity of funding. Religious groups that receive these funds may discriminate in their employment practices on the basis of religion even in the very programs that are taxpayer-funded. This occurs in no other Federal statute. "Charitable choice" grants funds to a group that is then allowed to discriminate in hiring on a ground, religion, historically the subject of central civil rights protection in the 1964 Civil Rights Act and elsewhere. Curiously, at the same time the Welfare Reform Act was wending its way through Congress, many legislators were properly concerned about reports that Housing and Urban Development funds

were going to pay for security at Baltimore, Maryland, housing projects administered by a Nation of Islam-related agency that appeared not to hire anyone except male co-religionists. Regrettably, a similar disfavoring of religious bias did not exist in the final welfare revision. Even beyond such arguably hypocritical legislating, why in the world would a religious litmus test be appropriate for funding of a secular program in the first place? If it's secular, an Episcopalian or a humanist can do the benefit distribution or counseling in a Baptist church as well as a Baptist cleric or layperson.

I do not honestly believe that most faith communities will be able to avoid communicating their spiritual principles in the advancement of what they see as social service ministries. It may be an un-ignorable temptation to suggest that a welfare recipient watch a Christian video while his or her paperwork for welfare eligibility is being

**THE CHURCH IS
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A RELIGIOUS, SALVIFIC
MESSAGE.**

servants of the State. But the result of the absolutist views of "no aid" separationists, in my opinion, is not to protect religious freedom but to suppress it. Misunderstood separation had promoted an anti-religious secularism, and turned once-friendly government institutions, presumably meant to be neutral, into environments hostile to religion.

The law of charitable choice is at once a reaction to such hostility and an endorsement of government neutrality. It is an antidote to government directing that social service providers discriminate against religious choice. Can this lead to an American consensus on church-state questions? Probably not, considering the adamant opposition of the "no-aid separationists." But at least a political barrier to government cooperation with faith-based organizations has been removed in the field of welfare. Until recently politicians have unnecessarily played up welfare as an arena of church-state contention. However, times have changed, and for the better. Now both Al Gore and George W. Bush have endorsed the charitable choice concept (though Vice-President Gore demurs on school vouchers, which are anathema to the National Education Association union). And President Clinton sees in charitable choice "an emerging consensus about the ways in which faith organizations and our government can work together."

With discrimination against faith-based organizations clearly on the wane, and contention subsiding, the level-playing field now possible should encourage more social service providers to enter cooperative arrangements with government. Amy Sherman, Ph.D., a senior fellow at the Hudson Institute, studied 125 charitable choice projects in nine states and found that over half involved "new players." ("The Growing Impact of Charitable Choice: A Catalogue of New Collaborations Between Government and Faith-Based Organizations in Nine States," The Center for Public Justice, March 2000.)

The growth of these programs expands religious civil rights not only for welfare recipients, who will have more choices, but also for social service minded persons who initiate and work for faith-based organizations and their many volunteers. A classic example of the kind of new cooperative arrangements is to be found in Ottawa County, Michigan, where officials using Federal "Temporary Assistance to Needy Families" funds, contracted with Good Samaritan Ministries (GSM), to recruit from local churches and train teams of mentors. They in turn trained able-bodied welfare recipients to get and retain employment. GSM employees, paid with contract funds, in a few months recruited and trained volunteers from 50 churches. Later other counties followed this example, working with other intermediary religious agencies such as the Salvation Army and Lutheran Social Services.

Apart from affirming the civil rights of faith-based organizations and their clients, the new players are doing more of what has been sometimes neglected because of fear of crossing the "church-state" boundary when using public funds. They are working more with individuals on a very personal level through mentoring and job-training programs. It is remarkable, moreover, that as shown in the Sherman study, out of *thousands of beneficiaries* in programs offered by faith-based organizations cooperating with government, interviewees reported *only two complaints* by clients who felt uncomfortable with the faith dimension of the organization giving help. In both cases, in accordance with the guidelines, the client simply opted out of the faith-based program and into a program run by a secular provider. The study concluded: "the religious integrity of the organizations working with government is being protected and the civil liberties of program beneficiary's enrolled are being respected."

Some objectors to charitable choice profess to worry about protecting the integrity of faith-based service providers. It is alleged that politicians will callously offer grants to whichever faith constituents are important to their re-elections, turning religion into just another special-interest group, or that faith-based providers may become dependent upon government funding and unable to simply walk away from it. (They seem prone to assume the worst.)

Behind the crocodile tears of some, I suspect, is knee-jerk opposition to faith-based organizations providing social services with public funds. However, others may have a genuine concern that is motivated by the record of secular nonprofit organizations that have become dependent upon Federal grant programs. They believe Federal support programs should rely as much as possible upon the tax code (i.e. tax credits) and private donors rather than direct grant programs. But this view denies political realities. Charitable choice is the law of the land. Let's give it a chance to work—which it is thus far—before throwing in the towel on the basis of arguments that are more shadow than substance.

The goal of achieving "justice for all" in our society, and real unity in American life, can only be found by a widespread recovery of our shared moral foundations. Charitable choice, by its carefully constructed protections for both faith-based organizations and the purposes and functions of government, assists in this recovery. It also fosters the realization of an important truth—a just society is one that seeks the good not because it is legally coerced to do so but because it is inwardly motivated. 

For Lynn's response, see page 64.

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reviewed or to have a sectarian prayer uttered before the meal at a newly funded dinner program for the poor. We all know that there are an inadequate number of slots for drug addicted persons who have an immediate need for help at a time of greatest commitment to sobriety. Isn't it likely that the church attendee will move up the line more quickly at a church-based facility than will the Sunday sleeper? Even if the faith-based provider doesn't try to discriminate consciously, I fear that favoritism will still occur. Although "charitable choice" may be touted as a benign partnership between government and houses of worship, it will inevitably subject people to taxpayer-financed evangelism in order for them to get what they are by law entitled to receive. Moreover, many of the programs which legislators have, or are trying to, include in this rubric are dealing with some of the most vulnerable people in our society. Even if they feel unwanted religious pressure, who will inform them of their rights to a secular alternative provider (something guaranteed in the welfare act, but for which no notice is required, as if welfare recipients regularly read the U.S. Code in their spare time)? Indeed, these individuals are not likely to know that conversion is not a permissible price of assistance now.

As a true civil libertarian, as much as I detest the ideologies of religious hate groups, I recognize that they have every right to conduct business and seek members. However, I do not want any of my taxes going to fund these groups. Since "charitable choice" presumptively allows for no discrimination among would-be religious recipients, religious bigots could be granted funds. On the other hand, the reported comments of one Congressional supporter, Representative Mark Souder of Indiana, that funders might be able to distinguish between legitimate and illegitimate faiths (like Wicca) would lead to constitutional challenge under bedrock principles that absent proof of fraud, all religions—no matter how "misunderstood"—must be treated the same as well-established faiths.

Lately, advocates of both "charitable choice" and religious school vouchers have concocted the bogus theory that it is an act of discrimination not to allow religious groups to share in the Federal pie. They ignore the fact that religion is constitutionally different from all other activities. Governments can establish all kinds of guideposts for economic, cultural, and political programs, but are precluded from erecting supports for any or all religious ideas under the non-Establishment principle of the First Amendment. If it is discrimination not to fund religious anti-violence programs, why is it not discriminatory to refuse to fund Sunday schools but pay for playgrounds that also give children a safe and healthy place to go on Sunday mornings? Many of us cherish the value of faith-based activities, but still do not want governments to help

pay for them.

Many of us fear that the very character of religious ministry could change under this construct. How much government scrutiny will come with the government funds? There are even bigger issues, though. I don't want to see religious groups battling over what percentage of a state's block grant will go to the Methodists, the Scientologists, and the Catholics. Competition for souls may be inevitable in a nation with nearly 2000 religious groups; competition for the coins of Caesar is just unseemly. On a cautionary note, if Uncle Sam begins to fund the activities of a local church, won't some in the congregation feel they no longer need to, and will they return to previous levels of giving if the church down the street gets the grant a few years later instead of their church? Just what does it do to the character of the church if the leaders start reviewing the details of the latest issue of the Federal Register for new grant ideas instead of

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searching for new insights in the Holy Scriptures of your faith? Will your church or synagogue, temple or mosque be able to continue their prophetic posture toward government if they now depend on it for financial support? All of these questions should be troubling to those who cherish the integrity of the faith community of which they are a part.

My examples are not purely speculative. A group called Operation Blessing in Wilmington, North Carolina lost

state funds in 1999 because it inquired whether applicants to a homeless shelter had been "saved" before they were invited to go to sleep. The state of Kentucky is considering whether to continue funding the Kentucky Baptist Homes for Children after a lawsuit by Americans United and the ACLU claimed that the agency (which receives over two-thirds of its funding from the state, and less than 10 percent from Baptists) had fired a well-credentialed and highly regarded counselor when they discovered through a newspaper photo that she is a lesbian. The civil rights and First Amendment issues are weighty and test core principles of the "charitable choice" idea. Many of us who watch Congress see that there is a paucity of good new ideas for dealing with some of the most troubled of Americans. In "charitable choice," in the guise of doing something, Congress has merely dropped some groups in need - the poor, the addicted, the hungry - on the church steps one day; dropped a bag of money there the next day, and then just prayed the two would get together. That is no way to run anything; it is an abdication of responsibility to the most vulnerable in our society and merely a political salute to piety. ☐

For Cizik's response, see page 63.

BARRY W. LYNN IS THE EXECUTIVE DIRECTOR OF AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE.

THE STATE OF THE NATION'S

by Mary Dolan

THE NATIONAL ORGANIZATION ON DISABILITY conducts periodic surveys in conjunction with Harris Interactive to assess the quality of life of people with disabilities in such key areas as employment, income, religious and political participation, access to health care and transportation, and leisure activities. The first survey was conducted in 1986; subsequent surveys were undertaken in 1994, 1998, and 2000. Together, the surveys provide the richest source of information available on general trends regarding the quality of life among the disabled.

The most recent survey, conducted in May and June 2000, found that while overall people with disabilities lag somewhat or very far behind people without disabilities on key measures of quality of life, the past decade had seen notable improvements. These gaps provide a benchmark for measuring progress in the next century.

Large gaps exist between people with and without disabilities with regard to: employment, education, household income, access to transportation, health care, entertainment/going out, frequency of socializing, attendance at religious services, political participation/voter registration, and life satisfaction.

However, it is quite misleading to think of people with disabilities as a homogenous group because the nature of disabilities vary in type and severity. People with slight or moderate disabilities have dramatically different needs than people with somewhat or very severe disabilities, and the gaps are even more striking when comparing people with severe disabilities to the general population. People with slight or moderate disabilities are less likely than the general population to fare well on all of the 10 quality of life indicators, but they still fare significantly better than people with somewhat or very severe disabilities do.

It is also important to note that while significant gaps still exist between people with and without disabilities, certain social and economic indicators demonstrate improvement for people with disabilities. Most notably, over the past fourteen years since Harris and N.O.D. have been conducting this research, education has shown signs of improvement for all people with disabilities, and employment has shown signs of improvement for those people with disabilities who say they are able to work. These improvements are most likely a result of many things including: the implementation of the Americans with Disabilities Act of 1990 (ADA), the Individuals with Disabilities in Education Act (IDEA), a robust economy, and growth in technology.



Employment

Although employment has improved somewhat over the past fourteen years for people who say they are able to work, it is still the area with the widest gulf between all people with disabilities and the rest of the population. Only three in ten working-age (18-64) people with disabilities are employed full or part-time, compared to eight in ten working-age people without disabilities (32% versus 81%). The presence of a disability seems to prevent a clear majority of unemployed people with disabilities from participating in the work force. Two out of three unemployed people with disabilities would prefer to be working.

As mentioned, the employment picture is somewhat blurred by the presence of a significant number of people with disabilities who say they are unable to work due to their disabilities. Over the past fourteen years, the disability population has become more severely disabled, and in turn, the population who say they are unable to work due to their disabilities has grown from 29% to 43%. However, among those who say they are able to work despite their disability or health problem, there has been a noteworthy improvement over the past fourteen years. Fully 56% of people with disabilities who say they are able to work are working today, compared to 46% in 1986. The Americans with Disabilities Act of 1990 is undoubtedly responsible for at least part of this progress.

Furthermore, the employment picture for 18-29 year olds indicates even more promise. Among this cohort, 57% of those with disabilities who are able to work are working, compared to 72% of their non-disabled counterparts—a gap of only 15%.

Disabled:

Among the
Young, Modest
Improvements

Income

It is not surprising, given the lower rate of employment for people with disabilities, that a significant income gap exists between people with and without disabilities. People with disabilities are much more likely than people without disabilities to live in poverty with very low household incomes of \$15,000 or less (29% versus 10%). Conversely, people with disabilities are much less likely than people without disabilities to live in households that earn more than \$50,000 annually (16% versus 39%).

While the survey data peg the income gap as 19% between people with and without disabilities, by contrast, among people aged 18 to 29, the gap is only 9 percentage points (30% versus 21%).

Education

With regard to education, the pattern is the same. People with disabilities lag far behind their non-disabled counterparts in getting a basic education, with more than one out of five failing to complete high school, compared to less than one out of ten people without disabilities (22% versus 9%). The gap is only slightly smaller when looking at higher education—slightly more than one out of ten people with disabilities have graduated from college, compared to slightly more than two out of ten of their non-disabled counterparts (12% versus 23%).

This education gap may shed some light on the discrepancies mentioned earlier with regard to employment and income. Since education, employment, and income are inextricably linked together, it is not surprising that people with disabilities who are more likely to lack a basic education are less likely to be employed and less likely to have high incomes.

It is important to note, however, that over the past fourteen years, there has been marked progress in the area of education. In fact, almost 8 out of 10 people with disabilities (77%) have graduated from high school today, compared to 6 out of 10 (61%) in 1986.

Health Care and Transportation

The income, education and employment gaps also provide some explanation for the gaps in other quality of life indicators. Being employed and having discretionary income often free people from having to worry about an issue like health care, since both enable people to receive

Figure 1. A Comparison Between People with and without Disabilities Using 10 "Indicator" Measures



Figure 2. A Key Indicators for People with Disabilities—Trends 1986-2000

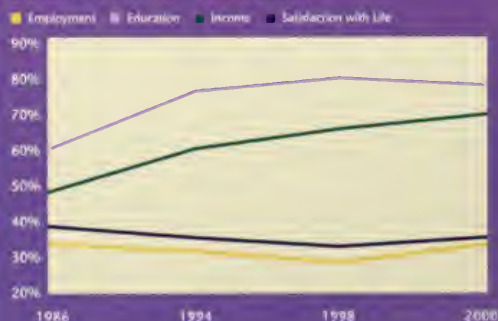


Figure 3. Overall Satisfaction with Life of People with Disabilities—Gap in Numbers saying Very Satisfied with Life in General



necessary and satisfactory medical coverage. It is not unexpected, therefore, since people with disabilities have lower household incomes and are less likely to be employed than people without disabilities, that people with disabilities are more than twice as likely to postpone or put off needed health care because they cannot afford it (28% versus 12%).

Similarly, having adequate transportation to get to work or school, access entertainment, and socialize with friends and family often depends on having sufficient discretionary funds. It is not surprising, therefore, that people with disabilities are more likely than those without disabilities to consider inadequate transportation to be a problem (30% versus 10%).

Entertainment and Socializing

Moreover, having discretionary income often enables people to enjoy themselves and take advantage of leisure activities like restaurants, movies, and sporting events. The income gap, therefore, may help to explain the differences between people with and without disabilities in most areas of entertainment.

People with disabilities are less likely to go to restaurants at least once per week than people without disabilities (40% versus 59%). Similarly, people with disabilities are less likely to socialize with friends, family and neighbors at least once per week (70%) and attend religious services at least once per month (47%) than their non-disabled counterparts (85% socializing; 65% religion). They are also less likely to go to supermarkets, stores and malls, movies, theater, live music performances, sporting events, and events related to their hobbies such as dancing, art shows, or events for collectors.

Even when comparing people with and without disabilities at similar income levels, significant gaps still exist between the two populations, implying that other factors such as lack of accessibility, negative public attitudes, or discomfort may be inhibiting people with disabilities from participating in these leisure activities.

Since people with disabilities are much older than their non-disabled counterparts, reason also suggests that age might have an impact on the findings. However, when comparing people of similar age cohorts (aside from those 18-29), people with disabilities are still significantly less likely to participate in leisure activities such as going shopping, seeing movies, and attending sports events. This finding indicates that the presence of a disability is still a factor in impeding access to entertainment.

However, for those 18-29, the outlook for entertainment and socializing is more encouraging. People with disabilities are almost as likely as their non-disabled counterparts to socialize regularly with close friends, relatives, and neighbors (89% versus 90%), and to go out to restaurants at least once per week (59% versus 61%).

Political Participation/Voter Registration

In a presidential election year, one of the most important indicators is the voter registration figures for people with and without disabilities. Since appropriate Census data is only available after presidential elections, the year 2000 percentages used in this report reflect the 1996 election. In that year, approximately 6 out of 10 of people with disabilities (62%) were registered to vote, compared to almost 8 out of 10 people without disabilities (78%)—a gap of 16%, suggesting that the people with disabilities have not been engaged in the political process at the same rate as people without disabilities. However, it will be important to look at this year's figures when they become available in order to explore any valuable trends.

Life Satisfaction and Optimism for the Future

The keystone of the gaps analysis is that all 10 of the quality of life indicators are interconnected. It seems likely that as one indicator improves, others will follow, and conversely, as one declines, others will also decline. All the gaps taken together, therefore, can arguably be used to explain another sizeable and important gap—the gap in life satisfaction. This gap illustrates another clear difference between people with and without disabilities in that half as many people with disabilities say that they are very satisfied with their life in general, when compared to people without disabilities (33% versus 67% respectively). It is important to note, however, that as with a majority of the other indicators, this gap in life satisfaction shrinks for younger people aged 18 to 29. For this youngest cohort, 44% of people with disabilities, compared to 57% of people without disabilities, say they are "very satisfied with life"—a gap of only 13 percentage points—much less than for people overall where the gap is 34 percentage points.

Despite all of the gaps, 63% of all people with disabilities—and 73% of people with slight disabilities—believe that life has improved for the disabled population over the past decade. Clear majorities feel that overall quality of life, access to public facilities, advertising, media portrayals of people with disabilities, and public attitudes toward people with disabilities have gotten better over the past four years, and no more than 16% say that any of these things have gotten worse. While it is likely that these improvements stem from a variety of factors such as a strong economy and substantial growth in technology, it is reasonable to attribute at least some of this progress to the implementation of the Americans with Disabilities Act of 1990.

Though less so than their non-disabled counterparts, people with disabilities are optimistic about their future. 41% envision their quality of life improving over the coming four years. ☐

CHICAGO'S SOUTH SIDE

1 9 4 6 - 1 9 4 8

WAYNE MILLER's photographs chronicle a black Chicago of fifty years ago: the South Side community that burgeoned as thousands of African Americans, almost exclusively from the South, settled in the city during the Great Migration of the World War II years. The black and white images provide a visual history of Chicago at the height of its industrial order—when the stockyards, steel mills, and factories were booming—but, more important, they capture the intimate moments in the daily lives of ordinary people. *Chicago's South Side, 1946–1948*, is available from the University of California Press.



"When the wagon wheels are in the streetcar tracks, it's like floating on air."



Selling fish from an alley shed.



Wednesday night Bible class at a storefront church.



Chicago police sergeant questioning bar patrons.



University of Chicago anthropologist St. Clair Drake (rear) entertaining Bucklin Moon (front), an editor from Houghton-Mifflin publishers.



Playing marbles.

Myths of a Golden Age: Motherhood in the 1950s

Review of Susan Chira *A Mother's Place: Choosing Work and Family without Guilt or Blame*, & Danielle Crittenden *What Our Mothers Didn't Tell Us: Why Happiness Eludes the Modern Woman*.

Reviewed by Elizabeth Bernstein

When I became a mother fourteen years ago, I found that I could no longer count on creature comforts—like sleep—that I had previously taken for granted. But beyond that, a political comfort zone I had inhabited since college also slipped away. By the time my first child was a year old, I was re-reading *The Feminine Mystique* in dismay. It seemed to me that feminism had underestimated nearly everything about parenthood, from the intensity of the child's needs to that extra push towards obsession that biology had given to the female of the species.

Since that time, my belief in the benefits of full-time mothering has continued unabated and my political loyalties have remained shaky. It hasn't been a question of switching from one party, one nationally recognized ideology, to another. It's more a matter of feeling like a political orphan. Reading two recent books on opposite sides of the working mother debate reminds me of why I'm still here, in limbo.

In *What Our Mothers Didn't Tell Us: Why Happiness Eludes the Modern Woman*, Danielle Crittenden argues that when women insist too strongly on autonomy, when they run too scared from sacrifice and interdependence, they are more likely to undermine their prospects for long-term contentment than to assure it. The desire to become wives and mothers, the guilt we women feel when we spend long hours away from our children, are not

aspects of our nature we should wish away: "Their cry *should* be more compelling than the call from the office!"

Susan Chira believes that for a fair number of women, staying home with their children is akin to "drowning." In *A Mother's Place: Choosing Work and Family Without Guilt or Blame*, Chira argues that the children of such mothers are indeed better off if their mothers go to the office than if they remain at home, resentful and depressed.

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But while the broad sweep of Crittenden's and Chira's arguments carry them off in very different directions, there are hints of surprising places in which their views on the nitty-gritty of childcare intersect. One of Crittenden's arguments is that women would do well to consider marrying earlier than they do now, and some of her supporting reasons have to do with the older mothers she meets at the park. These women, she feels, take the whole business of motherhood too seriously. They cling and don't give their children enough breathing space. She exclaims over the facts that in fifteen months, one mother hasn't left her child with a baby-sitter to go out for the evening, and that another has a nine-month-old

who still wakes several times a night because the mother won't leave her to cry herself back to sleep.

Some of Chira's observations on the ideologies she sees being foisted onto mothers are remarkably similar. All around her she sees parents whose fascination with their babies "borders on the obsessive." She is especially critical of child-care advisers like Penelope Leach, who put too much weight on theories of mother-child attachment and provide lists of edifying activities like "putting marbles in used detergent bottles": It's all too "purposeful," too "intense," and deprives the baby of the opportunity to experience anything without the mother's interference. She identifies *Mothering* magazine as having a more palatable philosophy, one which is favorable to the idea of "benign neglect"—but she also takes exception to "its attack on experts who tell mothers to let their babies cry it out at night."

Well, I don't know how much it has to do with age—I was only four years older than Crittenden when I had my first child—but anyone who wanted to take my measure on such scales as "intensity" and "attachment to child" and "inability to let baby cry" would be able to classify me without hesitation. I am that mother who seems to make both Chira and Crittenden uneasy. With my younger child now eleven, these issues don't arouse in me quite the same degree of defensiveness that they once did. But I still consider them important for this reason: there is an inextricable link between the child-care philosophies we subscribe to as a nation and our attitudes towards full-time motherhood.

There is a tendency in our national discussions of motherhood, Chira's and Crittenden's included, to let the post-war era serve as a sort of touchstone. A half-century may have passed, but the fifties remain the decade to reckon with, the decade

that we either run away from or pause to reconsider. Even in treatments like Chira's, which do consider earlier history, there remains the underlying sense that if you want to weigh up the pro's and con's of female domesticity, you need scarcely look further—the fifties represented the ultimate test.

But this national nearsightedness confuses us not only as to what our options are today, but as to the essential lessons of our history as well. There is a popular assumption that American children of the eighteenth and nineteenth centuries enjoyed far less affectionate attention from their parents than was common during the twentieth. Many are convinced that early American child-rearing practices were distinguished chiefly by their severity—a belief arousing nostalgia in the more authoritarian among us. What's more, Chira and other feminists tell us, mothers were once far too busy to give their children the kind of attention expected of latter-day housewives.

In fact, the child born into eighteenth- or nineteenth-century America was far more likely than the twentieth-century American baby to be indulged in that intense infantile desire to be held and rocked and carried, to be always within the sight and sound and smell of us. There were of course exceptions, but the grim truth is that many of the exceptions died. Those who survived in the era before formula and breast-pumps and sterilizers and antibiotics did so because they spent much of their early life at mother's breast. (Chira mentions wet-nursing, but this practice also carried a significantly higher risk of infant mortality and was never as popular in the American colonies as it was in Europe.) "Demand" feeding, which included nursing the child through the night in the mother's bed, was standard operating procedure—

because anything less would have put mother's milk supply, and her baby's life, at risk.

Late in the nineteenth century, and early in the twentieth, as the country's character changed from rural and agricultural to urban and industrial, a nearly forgotten revolution occurred in child-rearing practices. Chira gives the ascendancy of the 'scientific experts' a brief mention: "In the 1920s, John B. Watson insisted that babies would thrive only

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on rigid schedules; his was a view of a baby fit for the assembly-line age." Watson was in fact a man who championed greater sexual freedom—which is to say, women's increased availability to men—while displaying a horror of mother-child attachment, particularly as manifested in any sort of physical intimacy with the child. In his best-selling child-care manual he advised parents that a periscope would enable them to check on the lone child in the backyard without the risk of rendering him "over-conditioned in love," and that parental hand-shakes should be substituted for kisses. Beyond that he wished that he could rotate mothers between

houses to minimize any given woman's influence on the psyche of any given child. Chira's suggestion that mothers weren't really so bad off when they "had only to frog-march their children through Watson's schedules" doesn't begin to do justice to the man's misogyny or the damage he did to women and children both.

After John Watson, practically anything that Dr. Spock could have written in the forties and fifties was likely to look sane and "permissive"—and welcome so. But far from leading the country (as conservatives would still have it) in the direction of a new, unprecedented, indulgence of the child, on critical issues Spock continued to hold the line against any return to the more profound indulgence of previous centuries. True, Spock smiled on manifestations of the childish desire for autonomy—what to eat, how much to sleep, when to toilet-train. But he was far less tolerant of the child's complementary desires to be held close. When post-war babies objected to a life spent largely in cribs and playpens—a life for which evolution had left them woefully unprepared—it was widely understood that their howls marked their mothers as guilty of spoiling. The way to unspoil them, Spock advised, was for mother to make a schedule requiring her "to be busy with housework or anything else for most of the time the baby is awake."

This is the aspect of post-war motherhood that we tend to forget—the unhappy juxtaposition of long hours at home with the constant warnings against "smother-love" and "over-protection." If mothers were frustrated—which they undoubtedly were—it is past time to consider whether that frustration derived from the mere fact of being at home, or from following an extremely flawed blueprint for childcare. A mother who lives in a

culture with unrealistic expectations about the needs of the child finds herself in a no-win situation: she must choose between responding to her child and facing the condemnation of others, or following the conventional wisdom and wondering why her child is disconsolate. As Susan Chira herself evidences, the problem dogs American mothers to this day: part of what burdened her in her months at home with her first baby was the feeling that she was "the only mother whose baby did not lie, cooing gently, on her lamb-skin rug," and the facts that the baby wouldn't sleep long hours alone, nor be put down without crying. Yet that "colicky" crying which Chira had to endure (as I did, as millions of other American parents do), which can so diminish the mother's satisfaction with infant care, is now understood by anthropologists like Meredith Small at Cornell to represent "the negative side of the separation trade-off"—something that appears in Western babies "because the accepted and culturally composed caretaking style is often at odds with infant biology."

Feminists are right about one thing—the philosophy urged on mothers during the "feminine mystique" era was one that ultimately served men. It was a time when middle-class men came very close to having it all: wives who stayed home all day (except to shop) but who let the baby cry while they got house and supper ready for their husbands. Particularly taboo was any degree of mother-child attachment which got in the way of marital togetherness once Daddy had come home; hence the emphasis on the need to be able to leave the child to go out at night and the willingness to go to extremes (Spock suggested tying a net over the top of the crib) to get the child to shut up and stay away from the parental bed at night. With remarkable regularity, women who

couldn't bear to listen to their children's cries any longer were advised to turn to solutions which increased their sexual attractiveness or availability—go to the beauty parlor, buy a new dress, take two weeks in Florida with your husband.

Chira's book, like a number of other feminist works, does acknowledge some of the factors which worked against mother-child intimacy during the post-war era. She cites a typical 1946 warning about the damage done to children by "self-sacrificing" moms. She notes that the

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fifties idea of domesticity was "staying home to be a helpmeet for your husband or devoting yourself to making your floors spic and span"; that by comparison today's experts urge parents to be "far more conscious of children's feelings than were many parents a generation ago." And she reminds us as well that as "popular Freudianism reached a cultural apogee during the 1950s" (in fact Spock considered disseminating Freud's message one of his greatest accomplishments), it became even more impossible for mothers to find that vanishing position where they would not be condemned as either suffocating or neglectful: "A mother could do no right."

Popular Freudianism also meant this: the desires of young children for closeness to their mothers were

now seen as carrying sexual overtones which made it even more unthinkable that they should be satisfied. The fact that access to mother's bed and mother's breasts had for millenia been the birthright of the child was virtually forgotten, replaced by the conviction that children had to be kept from taking from what so obviously belonged to Father. Not only was there no acknowledgment that infants had thereby suffered a loss, but the covering story about "Oedipus" featured baby boys as the ones who harbored jealous desires to have their mothers to themselves and would be willing to harm their fathers to that end.

But despite its occasional brushes with the reality of mother-child distance during the post-war era, the women's movement as a whole always seems to end up in a place which assumes quite the opposite—that men pushed women into such a thorough trial of mother-child togetherness during the fifties, and that the result was so dismal (the prospect of going back, Crittenden observes, could "induce shudders" in those born long after), that the only possible solution is to stay out of the house.

As for conservatives, those who would like to see the fifties return have their own stake in portraying the post-war era as the time when children's needs were well met at home, when the task of motherhood was regarded, as Crittenden would have it, as "strong, noble and vital." There even continue to be child-care advisers on the right who encourage mothers to follow rigid schedules and to leave the children to fend for themselves as much as possible. But I would warn those who would like to see more mothers at home today that they are unlikely to get there by sending a new round of mixed messages—by telling mothers to stay home, but stay distant, or by

suggesting that there is something wrong if a mother finds her child's cry not only more compelling than the call from the office, but likewise more compelling than the need to go out at night.

Both the right and the left are going to have to come to understand that women can stay home with their children without going back to the fifties—that being a full-time mother in no way implies willingness to accept all the rules that were part of the bargain a half-century ago. (And if they could get that far, maybe both sides could also get behind one of Chira's suggestions: tax relief targeted at parents who need help either to afford the option of staying home or to purchase day-care.) In the meantime, I am convinced that there are big changes going on under the ideological radar. For one thing, the generation born to post-war mothers—the kids who were so willing to believe during the adolescent rebellion of the sixties and seventies that they were suffering from too much mothering—seem to have reached a different consensus in the shrink's office and in their struggles to heal the “inner child.” For another thing, many of today's parents—not only the “older parents” that the baby-boomers have become, but younger parents as well—have discarded the post-war taboos about such things as prolonged breastfeeding and permitting their children into their beds.

The mothers who take these more open-ended approaches to nurturance are usually very clear that by keeping their children close they are not acceding to the counsel of men, but bucking it. They may know enough about other cultures to understand, despite what Chira and other feminists suggest, that the lesson from other times and other places is not really that the mid-twentieth-century American approach to child-care was outlandishly excessive or

that staying at home with one's children is somehow a less “natural” approach than working. Most importantly, as compared with the housewives of post-war suburbia, these new mothers may suffer a little bit less at their inability to show off cheerfully unattached offspring to the world, benefit a little bit more from long, peaceful moments when the touch of their children goes all through them. And that may be enough to tip the balance.

Having left a career in law for thirteen years of full-time motherhood, Elizabeth Bernstein has recently returned to employment in a high school computer lab.

Love Everybody Right Now

Review of *All About Love*, by bell hooks

Reviewed by Aleta Richards

One of the feminist movement's most prolific writers, bell hooks, has now touched the core of civil rights struggles. Her new book, *All About Love*, suggests that the experience of hatred found in oppressive relationships can be resolved in the experience of love. *All About Love* teaches us how to find and keep love in a culture full of hatred.

Early in the book, bell hooks draws on the work of Erich Fromm and Scott Peck to define love as “the will to extend one's self for the purpose of nurturing one's own or another's spiritual growth.” To clarify this definition hooks writes, “To truly love, we must learn to mix various ingredients—care, affection, recognition, respect, commitment, and trust, as well as honest and open communication.” She proceeds to elaborate on a number of these components of love in this

short and readable book. At first glance, *All About Love* appears to be another pop psychology book on how to get the love you want, however, it's much more than that. It's an important book about the sociological implications of oppression and why it's hard to give and receive love in our highly individualized, Western culture.

While hooks spends a significant amount of book time on the struggles inherent in couple relationships and families, she takes care to devote attention to the struggles inherent in communities. She writes, “When we understand love as the will to nurture our own and another's spiritual growth, it becomes clear that we cannot claim to love if we are hurtful and abusive.” This is true at the individual and the community level. hooks gives an overview of the complexities of human psychological development, focusing on the connections and disconnections which provide the framework for human development. Lots of writers have done the same thing; however, bell hooks goes beyond the psychological aspects of human development to clarify the sociological implications of human development. hooks writes, “. . . we are born able to respond to care. As we grow we can give and receive attention, affection, and joy. Whether we learn how to love ourselves and others will depend on the presence of a loving environment.” Drawing on the sociology of knowledge, hooks identifies the ideologies or belief systems which prevent the development and maintenance of a loving environment. She focuses on the struggles inherent in the ideologies of individualism and patriarchy, as put forth in Carl Jung's statement, “Where the will to power is paramount love will be lacking.”

The “will to power” is present in all civil rights struggles. Racism, clas-

sism, sexism, all the -isms, are composed of relationships in which one person, or group of people, assert power over another person, or group of people. hooks explains the need for power as based in fear: "Cultures of domination rely on the cultivation of fear as a way to ensure obedience. In our society we make much of love and say little about fear. Yet we are all terribly afraid most of the time. As a culture we are obsessed with the notion of safety. Yet we do not question why we live in states of extreme anxiety and dread. Fear is the primary force upholding structures of domination. ... When we are taught that safety lies always with sameness, then difference, of any kind, will appear as a threat. ... The desire to be powerful is rooted in the intensity of fear. Power gives us the illusion of having triumphed over fear."

As an example of this cultural obsession with fear, hooks cites a recent incident where a young Asian male rings a doorbell to ask for directions. He is shot and killed by the white male homeowner who believes he is protecting his property. hooks explains: "The person who is really the threat here is the home owner who has been so well socialized by the thinking of white supremacy, of capitalism, of patriarchy that he can no longer respond rationally. White supremacy has taught him that all people of color are threats irrespective of their behavior. Capitalism has taught him that, at all costs, his property can and must be protected. Patriarchy has taught him that his masculinity has to be proved by the willingness to conquer fear through aggression; that it would be unmanly to ask questions before taking action." The culture of domination generates fear in citizens, clouding their perceptions of reality.

bell hooks suggests an antidote for this fear and the hatred it generates:

love. She suggests that we long for love, but don't understand the source of our emptiness or our fulfillment: "On the surface it appears that our nation has gone so far down the road of secular individualism, worshipping the twin gods of money and power, that there seems to be no place for spiritual life." No place, in other words, for love. As hooks writes, "When love is present the desire to dominate and exercise power cannot rule the day. All the great social movements for freedom and justice in our society have promoted a love ethic. Concern for the collective good of our nation, city, or neighbor rooted in the values of love makes us

**"WHEN LOVE IS PRESENT THE
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all seek to nurture and protect that good. If all public policy was created in the spirit of love, we would not have to worry about unemployment, homelessness, schools failing to teach children, or addiction."

Although hooks suggests that love based in spirituality is the antidote for hate, she does not suggest that the answer is organized religion, as it presently exists. "Organized religion has failed to satisfy spiritual hunger because it has accommodated secular demands, interpreting spiritual life in ways that uphold the values of a production-centered commodity culture. ... For example, consider New Age logic, which suggests that the poor have chosen to be poor, have chosen their suffering. Such thinking removes from all of us who are privileged the burden of accountability," hooks continues, "The basic interdependency of life is ignored so that separateness and individual

gain can be deified." hooks does not see much help from the conservatives either: "Fundamentalist thinkers use religion to justify supporting imperialism, militarism, sexism, racism, homophobia. They deny the unifying message of love that is at the heart of every major religious tradition."

From the beginning of the civil rights movement, religion has played a significant role. On the negative side, it has justified oppression. On the positive side, the experience of God's grace, as manifested in all major faith groups, has transformed hatred into love, brotherly love. This kind of change of heart is what is needed. Many writers have spoken of this need. Martin Luther King, Jr.'s *Strength to Love*, focused on the experience of love as the spiritual force that unites. Many other writers have addressed the same issue, including Thomas Merton, Erich Fromm, C.S. Lewis, Paul Tillich, Amitai Etzioni and Jean Baker Miller, and now bell hooks. The message is not new, but we need the reminder.

hooks, however, emphasizes an important distinction between love of self and love of others: "The teachings about love offered by Fromm, King, and Merton differ from much of today's writings. There is always an emphasis in their work on love as an active force that should lead us into greater communion with the world. In their works, loving practice is not aimed at simply giving an individual greater life satisfaction, it is extolled as the primary way we end domination and oppression." She continues, "Much as I enjoy popular New Age commentary on love, I am often struck by the dangerous narcissism fostered by spiritual rhetoric that pays so much attention to individual self-improvement and so little to the practice of love within the context of community."

So where to we go from here? "Awakening to love can happen only as we let go of our obsession with power and domination," hooks expands on this idea: "Living by a love ethic we learn to value loyalty and a commitment to sustained bonds over material advancement. While careers and making money remain important agendas, they never take precedence over valuing and nurturing human life and well-being." hooks cautions, against the interference of greed and narcissism, in the development of the love ethic. Since industrialization and the development of the service economy, the definition of the good life has changed, "The good life was no longer to be found in community and connection, it was to be found in accumulation and the fulfillment of hedonistic, materialistic desire."

All About Love contains important information on how we become loveless, how we stay loveless and how we might move beyond lovelessness. The solution is simple, but not easy. "Sadly, love will not prevail in any situation where one party ... wants to maintain control." This may appear to be an individualistic response to the problem of individualism. Individuals learn to love themselves, then they love each other. It may appear to omit the structural changes that are necessary to end institutional oppression. However, it is possible that *All About Love* encompass both micro and macro elements of change: "Through giving to each other we learn how to experience mutuality ensuring that each person's growth matters and is nurtured." Everyone means husband-wife, partner-partner, parent-child, student-teacher, employer-employee, politician-citizen, and so on.

We have to be able to imagine a better world in order to create it. bell hooks has a good imagination, for

example, she points out that not all families are dysfunctional—it just serves the needs of the dominant culture to have us believe this myth. Lots of families function just fine and more can do so: "In functional families individuals face conflict, contradictions, times of unhappiness, and suffering just like dysfunctional families do; the difference lies in how these issues are confronted and resolved, in how everyone copes in moments of crisis. Healthy families resolve conflict without coercion, shaming, or violence."

hooks also imagines the possibility of eliminating racism, classism and sexism, through love. There are many, especially in an election year, who believe our culture needs changing, so maybe this is a good time to embrace bell hook's counter-culture message of brotherly love. It's an old message, but an essential one. Thanks to bell hooks for telling us the old, old story.

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"A Hopeless Condition of Exile"

Review of *Give Me My Father's Body: The Life of Minik, the New York Eskimo*, by Kenn Harper

Reviewed by Margaret Meltzer

Unlike other Eskimos, the Polar Eskimos of northwestern Greenland enjoyed the benefits of a source of iron. According to Eskimo legend, the meteorites that supplied the iron were once a woman, her dog, and her tent, all thrown from the sky by a god. Kenn Harper relates the story of how a group of Eskimos had become determined to transport the meteorites closer to their village

since they found the trip to "the place where one finds metal" so exhausting. However, their efforts met with disaster: the overloaded sled, the chunk of meteorite they were moving, and their dogs slid beneath the surface of thawing ice. To the Eskimos, "it was a punishment exacted by the spirit of the iron woman on the hunters." According to their belief system, "the iron lady had never begrudged them the small fragments they had chipped from her scarred body over the centuries, but one must not be greedy."

In sharp contrast, when the American Arctic explorer Robert Peary reached the meteor site in 1894, he immediately claimed the rocks that had been part of the Eskimo world for centuries as his own: "I scratched a rough 'P' on the surface of the metal, as an indisputable proof of my having found the meteorite." Not only did Peary assert his "discovery" of the meteorites, but he managed to load "the three-ton woman and her thousand-pound dog" on his ship when he returned to America.

In this telling incident, which he relates early in *Give Me My Father's Body*, Kenn Harper sets up a paradigm for the conflicts and complex interaction of cultures that make his story of the Eskimo boy Minik such compelling reading. We see the high-minded hubris of the "scientist" Peary against the more folkloric (and more pragmatic and sometimes even passive) Eskimos. We see Peary's sense of expansiveness and limitless possibilities played out against the Eskimos' very real sense of limits. Finally, we see Peary's absolute confidence in the rightness of his actions, which would directly determine "the too short, too sad" story of Minik.

When Peary sailed back to the United States in 1897, he took with him two adult Eskimo men and

their families. Given the disastrous outcome of this decision, it is not surprising that in retrospect the reasons given for why this was done varied. Though Peary would later claim that the Eskimos had wanted to come with him, Harper believes that for Peary, these men, women, and children were essentially "specimens." One of the scientists at the American Museum of Natural History had apparently suggested that bringing one Eskimo back for one year could provide an invaluable opportunity for ethnographic study. Harper mentions "the Arctic explorer's tradition of exhibiting Eskimos before audiences as a means of securing funds for the continuation of his explorations." In any event, Peary referred to the Eskimos as he did to the meteorites—as "mine." Whatever Peary's exact motives, the experiment seemed doomed from the start. One can imagine the confusion and discomfort the Eskimos must have felt when they arrived in New York and were viewed by 30,000 visitors in their first two days in the United States: "No amount of forewarning could have prepared them-whose tribe, indeed whose whole world, numbered only 234 people-for such incredible numbers of human beings."

Housed in the overheated basement of the American Museum of Natural History, and later at a farm in upstate New York, four of the Eskimos soon died. One of the adult men, Nuktag, was taken back to the Arctic, but the six-year-old boy Minik was left to live as an orphan, increasingly caught between two worlds, and never fully at home in either.

In telling the story of Minik, who would return briefly to the Arctic as a young man, and then die in New Hampshire in 1918, a victim of the influenza epidemic, Harper raises important and compelling ques-

tions about culture and identity, about how one's sense of self is constructed. Though Harper is writing revisionist history, especially in his depiction of the scientific "heroes" of the early 20th century, the strength of his book lies in his ability to see how situations and people were neither all good nor all bad, but intriguingly, and even tragically, complex. Robert Peary and Morris Ketchum Jesup, a much-lauded philanthropist who provided funding for the museum, can only be seen as "villains" in their failure to provide for Minik's physical and emotional needs. In a sense, they represent the historic failures of the "white race"

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in its treatment of non-white peoples. However, Minik found the only real childhood home he ever knew with a white family. And though Minik vowed to return to the Arctic, and finally did so, Harper emphasizes his romantic attitudes about exploring the Arctic, attitudes that clearly resulted from his American education, and that set him apart from the other, more pragmatic Eskimos in the village where he had been born. One contemporary newspaper account called Minik's "a hopeless condition of exile."

Himself a man who has lived in and known two worlds, Kenn Harper seems an ideal person to tell the story of Minik. Harper is married

to a Polar Eskimo, and had the opportunity to talk with people who had remembered Minik from their childhoods. Living in two worlds, Harper does seem to understand that any good story has at least two sides. He arouses deep sympathy for Minik, and effectively describes the boy's sense of forlorn loss, but Harper also admits that not everyone felt pity for this strange young man, who never quite fit in. One of the people with whom Minik worked when he returned to the Arctic—described him as "a great nuisance to us all, an unhappy lad with a bad disposition."

Harper concludes his story with one last statement that again goes past the easiest or most obvious observations. Though the provisions of the Native American Grave and Burial Protection Act might suggest that Minik should be taken from his burial site in New Hampshire and reburied in Greenland, Harper counters this view:

I am often asked, should Minik be disinterred and taken also to Qaanaaq for reburial? The answer must be an unequivocal no. Minik lived a tortured and lonely life. Out of place in New York, he felt no more at home when he returned to northern Greenland. In the fall of 1917 he arrived in northern New Hampshire. He died among friends, the Hall family, perhaps the truest friends he ever had. Minik died among friends. Let him remain there.

The cover photograph of *Give Me My Father's Body* reveals Minik's whole story in one effective image: an obviously Native child, wearing ill-fitting western clothes, looks at the camera with an expression of confusion and loss. Kenn Harper fills in the details behind this image with empathy and grace.

Margaret Meltzer is an independent scholar of contemporary Judaism.

Capsule Reviews

To Make Our World Anew: A History of African Americans, edited by Robin D.G. Kelley and Earl Lewis. Oxford University Press, 670 pages. A beautifully illustrated collection of essays taking African American history from its beginnings on Spanish slave galleons to current controversies over police and civil rights issues. *To Make Our World Anew* is likely to become a landmark record of the African American experience.

Against Race: Imagining Political Culture Beyond the Color Line, by Paul Gilroy. Harvard University Press, 406 pages. A British-born black Yale sociologist offers a provocative analysis of contemporary race issues. Arguing that we use the same constructs the Nazis used in dividing humanity into different identity groups based on skin color, Gilroy excoriates the (corporate- and academic-led) fetishizing of our identities and differences. The media and commodity culture have, he says, driven out all that was best in black culture in favor of hip-hop and other cheap militancies. Gilroy concludes by calling for a new, global cosmopolitanism. (For an interesting counterinterview, see *Color Conscious: The Political Morality of Race*, by K. Anthony Appiah and Amy Gutmann, Princeton University Press, 191 pages.)

Being Black, Living in the Red: Race, Wealth, and Social Policy in America, by Dalton Conley, California University Press, 209 pages. *Honky*, by Dalton Conley, California University Press, 231 pages. A treatise and a memoir by a youngish white Yale sociologist who grew up in an African American housing project on New York's Lower East Side, both about the continuing significance of race (See item above—department meetings must be lively). The first argues for the primacy of wealth as the chief

determinant of social inequality. The second describes a miserable childhood as a white boy in a tough neighborhood.

Reaching Beyond Race, by Paul Sniderman and Edward G. Carmines, Harvard University Press, 191 pages, paper; and *Racialized Politics*, edited by David O. Sears, Jim Sidanius, and Lawrence Bobo, Chicago University Press, 432 pages. Three schools of thought govern the question of what whites really think about blacks in America. The first is that whites continue to harbor negative beliefs and feelings, but code them in terms of opposition to race-conscious programs such as affirmative action and social programs that are seen—rightly or not—as primarily benefiting blacks. The second holds that principled political opposition to such programs is widespread, and demands for these programs in themselves generate antipathy toward the groups perceived to be making them. The third is that whites have an abiding stake in those differences in power, status and economic resources that maintain them in a privileged position vis-a-vis other social groups. These two books, the first by partisans of the second position, the other, a sophisticated, thoughtful overview and debate among the the principal interlocutors in this discussion, are immensely useful contributions for anyone trying to understand America's continuing preoccupation with race.

Whiteness of a Different Color: European Immigrants and the Alchemy of Race, by Matthew Frye Jacobson. Harvard University Press, 338 pages. Race is a social construct. Who gets defined as what, and with what consequences, depends on the cultural and political realities of a given time and place, not on some underlying biological fact. In this book, Jacobson describes how various immigrant

groups who arrived in the 19th and early 20th century, such as the Italians and Irish, became "re-racialized" as whites in the decades that followed. Among the many valuable contributions of this book is the forceful reminder of just how "other," "foreign," and "alien," these immigrant groups—now so prototypically American—were once perceived as being.

Uneasy Alliances: Race and Party Competition in America, by Paul Frymer, Princeton University Press, 214 pages. The author argues that two-party competition in the United States leads to the marginalization of African Americans as the parties compete for swing voters, who tend, he asserts, to be white conservatives. Tending to the policy interests of the "captured" black vote is simply not a priority for politicians struggling to win over a majority of voters: witness candidate Clinton's canny distancing from African Americans in the 1992 election. Frymer's book was written before President Clinton's popularity with African Americans was sealed during the impeachment debates, and would need to successfully interpret that phenomenon to be fully convincing.

Jefferson and the Indians: The Tragic Fate of the First Americans, by Anthony F.C. Wallace, Harvard University Press, 394 pages. Most critiques focus on Jefferson's ambivalence, not to say hypocrisy, regarding African Americans and slavery. This book focuses on his treatment of the Indians. An admirer of Indian ways and a student of Indian languages, Jefferson also promoted land seizures and government policies that led to ethnic cleansing. If it becomes harder and harder to admire Jefferson, it is still true that he remains, in the irreconcilable enigma of his pulse-quickening rhetoric and squalid behavior, a tantalizing personification of America's fundamental ambiguities. ☐

SLAVERY, *continued from page 11*

victims of slavery experience confinement and degradation no less abhorrent. We need prominent, well-funded civil rights organizations to take the lead in confronting this violation. Organizations like the American Civil Liberties Union, the Anti-Defamation League, the National Organization for Women, and constituency-based groups like the NAACP, the Organization of Chinese Americans, National Council of La Raza, and many others, should consider making this issue a top priority. Social service providers should recognize a new "clientele" population, and target services and information appropriately. And the press should engage in a far more vigorous coverage of this issue.

As Frederick Douglass predicted, the ancient institution of slavery cannot be destroyed by simple legal abolition. Though chattel slavery has thankfully been ended in our country, a more cunning form of human bondage has risen in its wake. And precisely because this new slavery exploits the gap between law and social reality, it is all the more incumbent upon civil society to take action.

As Kevin Bales notes, "If Americans were being trafficked out and enslaved in other countries, there would be a war. There would be bombing." His inversion of the situation stands as a stark challenge: Outrage loses its moral force if selectively applied.

I will be the first to admit to having failed in confronting domestic slavery. When Dawn called last year, our response was simply inadequate. Local service groups could have assisted the enslaved Thai woman, and we could have checked to make sure she was legally employed. Now we know better, and we are working on new initiatives to assist service providers and increase public awareness [See sidebar on page 9: **What to do if you suspect a case of domestic slavery**].

Ultimately, it is ordinary citizens who can do the most to uncover cases of slavery. People like Dawn, the nurses in Quincy, and the street vendor in New York City are just three examples of alert civilians. As Joy Zarembka remarks, "Our greatest asset is a vigilant public." She should know. For several years she lived in a middle-class Maryland suburb two doors down from a case of involuntary servitude.

"The woman was always working and never left the house," notes Zarembka. "Had I thought about the situation and been more pro-active, I could have done something. Investigate further anything you suspect, as safely as possible. If not for the good Samaritan, how would we find out about these cases?"

Our Historic Responsibility

Much of the American civil rights movement arose in response to challenges posed by the country's terrible

legacy of white-on-black chattel slavery. Even today, many wounds remain open, and many wrongs go undressed. We are still struggling with our nation's great moral stain.

Because slavery remains an American touchstone, some in the civil rights community may fear that action on contemporary slavery threatens to relativize powerful historical memories and claims. Amidst a growing discussion over responses to the continuing legacy of African American slavery, some may view growing attention to this "new slavery" as a harmful distraction. Several prominent activists have quietly expressed the concern that discussions of modern day human bondage—even in the United States—might actually set back the country's delicate process of making amends.

To the contrary. Liberty is useless unless it is exercised. The ultimate expression of freedom is to help liberate others. Fighting slavery today is how America demonstrates that it can triumph over a legacy of slavery and enslavement. A vain attempt to keep a lock on historic claims of suffering would fail and would allow others to suffer the evils we shed our blood to end. America must be a proud abolitionist nation.

As this young anti-slavery activist was shocked to learn, slavery is once again an American civil rights problem, a violation of the most fundamental right Americans can have: freedom. I believe that as slavery in America becomes known, civil rights activists—old and new—will be drawn to the root impulse of the American civil rights movement: abolitionism. Our own civil society—not to mention the world's—may depend upon it. 

JESSE SAGE IS THE ASSOCIATE DIRECTOR OF THE AMERICAN ANTI-SLAVERY GROUP.

CHARITABLE CHOICE, *continued from page 45*

Cizik Responds

One wonders where to begin in addressing Rev. Barry Lynn's caustic criticism of charitable choice. At the outset, he maintains that it "may be the worst idea in modern political history." That is a remarkable statement, given the emerging consensus that charitable choice is not only a good idea, an idea whose time has come, but an idea that is living up to its optimistic billing.

But it is not surprising that Lynn reaches false conclusions when he starts with a false premise—that tax dollars "hit the collection plate." Government funds are not going for the spread of a "salvific" message—they are going to provide social services. Dollars in purchase of welfare services are paid for performance and so identified and processed. If a faith-based organization produces

receipts that show all the money went to recipients' needs—and government workers and criteria determine who these recipients will be—then the purpose of government will be served. A prediction is made of "unignorable" temptations that will "inevitably subject people to taxpayer-financed evangelism." Again, the "inevitable" has not happened with a test covering tens of thousands.

No amount of alarmist rhetoric about "religious hate groups" or "religious bigots" can besmirch the charitable choice record. Concern about hate groups seems most unwarranted. Are they likely to seek or find recruits doing social work among the disadvantaged, or to compete with the Salvation Army in serving the poorest citizens at little or no profit? While it is a fledgling program, it is a success and should be expanded because it works.

Mr. Lynn refers to "a raft of Supreme Court decisions" which hold it unconstitutional for government to advance religion. He asserts "factors" in some funding arrangements which purportedly would be disqualifying under the "advance religion" test. The flaw in this is that in *Mitchell v. Helms* the raft of decisions was exhaustively examined by the Court, and it found "anomalies" with contradictory and "disparate" lines of reasoning. Two earlier cases [*Meek v. Pittenger* (1975) and *Wolman v. Walter* (1977)] which might have given some credence to Mr. Lynn's view, had they not already been disregarded in later cases [i.e. *Zobrest v. Catalina Foothills School District* (1993)], were then explicitly overruled by the Supreme Court.

While Justice O'Connor, in a concurring opinion with Justice Breyer, expressed some reservations as to the near total reliance on the four Justice plurality opinion upon the neutrality factor, she joined in overruling the earlier precedents. The charitable choice law, with its cautious limiting provisions, fully meets the test of the *Mitchell* precedent including the factors for consideration discussed in the concurring opinion. If Mr. Lynn's opinion ever did express, as he would have it, "the extant constitutional pattern," that is not so now.

Lynn Responds

Richard Cizik's ringing endorsement of "charitable choice" makes some unjustified constitutional arguments and gives far too much credit to the largely untested programs he is so pleased to see receive the benefit of government (that is, taxpayer) largesse.

The four members of the Supreme Court who, in *Mitchell v. Helms*, were willing to allow the loan of some computers to Louisiana religious schools would have to take another long step before they could be seen as endorsing direct cash subsidies to institutions whose programs are by definition nearly exclusively religious: the local church on the corner, for example. Moreover, the majority of the Court certainly has not abandoned the test of whether a program is too "pervasively

sectarian" to receive funds. That is just wishful thinking on the Reverend Cizik's part. We have in no way established the principle that by giving funds to secular organizations, but to no religious groups, we have violated the principle of equal protection of the law.

On the civil rights front, I also believe Cizik makes a fundamental error in his assumption that because religious liberty has been deemed the "first liberty" that it somehow trumps all other civil rights concerns. It is very difficult for me to conceive of any "right" of the local Presbyterian or Catholic church to receive tax dollars as more significant than the civil rights of a person who is not of that religious persuasion to have an equal opportunity to be considered for employment in a supposedly secular job there implementing some Federal program.

I am not terribly impressed that in a study (done by a group that supports "charitable choice" by the way) only two people complained of the religious character of their placement. The highly vulnerable individuals who receive benefits under the programs studied are neither likely to know the law and the potential for secular reassignment (since there is no notice requirement) nor any source of legal help to understand what the consequences of any perceived non-cooperation might be (few carry a card with the ACLU's phone number). Thus, they go along with what they are told because they are in desperate need of what they are owed.

It is also curious that neither in this study nor any other academic analysis is it demonstrable that "faith-based" programs are any more efficient or effective in meeting human needs than any other avenue. If such programs have long-term spiritual benefits, I applaud it as a minister, but still see it, as a constitutional lawyer, as an impermissible goal if government funds help to achieve it.

Of course there will be what Cizik calls "new players" whenever a new trough of funding appears, but they are the players least likely to have the background and expertise to do the job right. Their desire for funding should not be misconstrued as the equivalent of successfully providing the resources needed to achieve results.

Politicians from both parties have already begun jumping on this bandwagon. Curiously, though, the same President Clinton whom Cizik quotes in support of the "emerging consensus" had his Justice Department try to eliminate many of the constitutional problems I noted in my original piece with a package of technical corrections to the Welfare Reform bill, but the effort was rebuffed in its entirety by the Republican Congress.

Candidates Gore and Bush both like the "charitable choice" concept. Their propensity to latch onto a new allegedly "pro-religion" program—in this campaign that sometimes looks more like a race for national preacher than President—must be taken with some sizeable number of salt grains. ☐

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